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**THE ROLE OF THE OTTOMAN  
SUNNI ULEMA DURING THE  
CONSTITUTIONAL REVOLUTION  
OF 1908-1909/1326-1327  
AND THE OTTOMAN  
CONSTITUTIONAL DEBATES.**

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Thesis submitted for the degree of PhD  
2017

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## Abstract

### **The Role of the Ottoman Sunni Ulema During the Constitutional Revolution of 1908-1909/1326 -1327 and the Ottoman Constitutional Debates.**

As a result of the Constitutional Revolution of 1908/1326 the authoritarian Hamidian regime was once again transformed into a constitutional-caliphate/sultanate-parliamentary system. Although not the same as the earlier project of 1876/1293, nonetheless due to revolutionary zeal the constitutional experiment of 1908/1326 was presented as a ‘renewal’ of the top-down constitutional project of 1876/1293 and the ‘national will’ as the Ottoman *devlet* continued to present itself as a significant actor belonging to the political concert of ‘civilised nations’. As the sole bastion of the Islamic world, by and large free from physical colonial occupation, as well as being a European and an Islamic state, by reintroducing ‘modern’ political structures the Ottoman *devlet* attempted to fashion itself capable from its own Islamic traditions to be able to adapt to the modern political orders.

Predominately, narratives regarding Ottoman constitutionalism had focused on the secular-western merits of the Ottoman constitutional efforts, paying very little attention to the Ottoman proclamations of the Islamic merits of their constitutional exertions. In particular the historiography reflected that the Constitutional Revolution of 1908/1326 initiated a political turning point that paved the way for the ‘natural process’ of the establishment of the secular Turkish Republic. Not only that, on March 31, 1909/Rabi al-Awwal 10, 1327, a rebellion in Istanbul based on the failed promises of the new Young Turk government was categorised as a ‘religious’ reaction to the ‘progressive’ revolution of 1908/1326. This dichotomous representation presented the ulema (the religious Muslim scholarly class), the focus of this dissertation, in opposition to the constitutional efforts of the revolutionaries of 1908/1326. Yet, it will be shown that the ulema were part of the revolutionary activities of 1908/1326, and worked with the newly established government to maintain order in 1909/1327, as they were equally, if not more invested in the new constitutional order than the revolutionaries of the Young Turks.

The spirit of the revolution and the relaxation of press activity presented the opportunity for the Ottoman ulema to present in their newspapers an ‘ideal’ that Islamic political authority reflected a conditional Caliphate parliamentary system that

was inclusive of ulema participation and somewhat facilitated nominal inclusion for non-Muslim minorities in the parliamentary decision-making processes. As parliamentarians the ulema consolidated their political vision via the constitutional amendment process in 1909/1327. In the Muslim press, they discussed the compatibility of the populist French Revolutionary ideals of *liberté, égalité* and *fraternité* or in Turkish as *hürriyet, müsavat ve uhuvvet* (freedom, equality and fraternity with Islamic norms while at the same time ‘intellectualising’ Islamic traditional ideals such as *meşrutiyet* (constitutionalism), *şura* (consultation) and *adâlet* (justice).

This dissertation shall emphasise on the seminal moment of 1908/1326 and 1909/1327 and the challenges the ulema faced in this short but hostile period as a host of political fluctuations took place, such as the ‘progressive’ Constitutional Revolution, parliamentary elections, Counter-revolution and the dethronement of one of the most symbolic authorities in Late Ottoman History, Sultan Abdülhamid II. As discussed on each issue the ulema have been presented as either docile participants or reactionaries. However, as shall be examined the ulema were neither docile nor reactionary but instead vociferous, self-determining and central to the changes. Their activities and intellectual ideas as a networked community resonated to the masses across the Ottoman domains as their position as ‘guardians of the faith’ continued to be reflected.

## **Acknowledgements**

I would firstly praise Allah, the Almighty, on whom we ultimately depend, for sustenance and guidance. Writing this part of the PhD was indeed the hardest of the writing of this thesis, as writing a piece of work is a group effort, one that I cannot deny. Yes, I may have my name on this PhD as author, but there was an army of supporters, helpers and contributors of which only some I can name, this is simply due to the limitedness of my own memory and if I have missed anyone then I am very sorry. My work is full of imperfections, and all mistakes in this thesis are simply my own. I am sure there is much to critique, indeed I have come to realise that what I know is merely the tip of the iceberg. It was never my intention to be an academic, writing doesn't come easily to me, learning languages came harder, but with the help of many, I finally completed my first monumental writing project.

I would like to firstly thank my supervisor Dr Yorgos Dedes, who encouraged me to take up this PhD at a stage in my life where I had chosen a different direction. If it hadn't been for his intervention, I don't believe I would be here today calling myself an academic, and for that, I shall be forever grateful. I know that I was a difficult student, him giving me supervision is a given, but I want to acknowledge that without Dr Dedes I would not have started this project let alone complete.

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## Introduction

On July 24<sup>th</sup> 1908/Jumada al-Thani 25, 1326 the Ottoman *devlet*<sup>1</sup> underwent a vital political change where a group of young officers and their supporters under the umbrella of the forename the Young Turks, initiated a revolutionary movement to replace the authoritarian-monarchist/sultanate form of governance to be replaced by a constitutional-monarchist/sultanate system. Never before in its history, had the Ottoman *devlet* experienced such a revolutionary motion against the central government.<sup>2</sup> The success of the movement, done in the name of a ‘Constitutional Revolution’<sup>3</sup> changed the course of governance for the Ottoman *devlet*, which not only transformed Ottoman statecraft in practice but also held implications to the traditional Ottoman conception of the Caliphate system.<sup>4</sup> The re-introduction of the constitution of 1876/1293<sup>5</sup>, the expansion of the number of Ottoman parliamentarians (*mebus*) to reflect greater public opinion, provincial-wide elections and the relative freedom of press, all introduced an arrangement of statecraft that was perceived by academics as alien to Islamic political discourse, and an attempt to emulate European configurations of governance. In particular reflections in academia on the change in

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<sup>1</sup> While I am aware that most works use Ottoman Empire, I have chosen to replace this with Ottoman *devlet* as a way to indicating how the Ottomans referred to themselves. The term *devlet* while may refer to the word state in English, nonetheless, even this can at times not be reflective of the Ottoman governmental structure. The *devlet* in the Ottoman domains consisted of a host of authorities such as the military, ulema and notables of which the House of Osman was the main pillar. With authority not always being centralised, the *devlet* often rested on multiple stake-holders in the execution of authority in various provinces. It is my view that where words can be translated I have done so, but where meaning has been lost in translation I have chosen to use the Ottoman terms with explanation in a footnote. However, throughout this thesis I have tried to reflect views held by the ulema in regards to language and thus many words have not been directly translated but explained in footnotes. For a Post-colonial account regarding the problems of using the word empire to describe other non-western civilisations see Salman Sayyid, “Empire, Islam, and the Postcolonial,” *The Oxford Handbook of Postcolonial Studies*, September 1, 2013

<sup>2</sup> The Ottoman *devlet* had experienced revolts, mutinies and protests, but 1908/1326 was the first time *inkilāp* (revolution) was a commonly used term by the protagonists and academics alike.

<sup>3</sup> Nader Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*, Reprint edition (Cambridge University Press, 2014). The common term for the revolutionary action in most of the literature have called the events of 1908/1326 as the ‘Young Turk Revolution’. However I have chosen to adopt the more current explanation of the events by Nader Sohrabi as the ‘Constitutional Revolution’ as it is more inclusive of other actors.

<sup>4</sup> There is an emphasis on the Islamic political system focused on autocratic governance as a style of necessity to maintain unity during moments of political difficulty, whereas emphasising *Shūrā/Şura* (consultation) also has a tradition in Islamic political thought but as an ideal form of governance.

<sup>5</sup> The Ottoman *devlet* first experimented in constitutional politics in 1876/1293, but abandoned this approach a year later.

governance had tended to present the Ottoman Sunni ulema<sup>6</sup>, (singular: *ālim*) the traditionalist religious class of Islam as reactionaries to transformation and change.<sup>7</sup> Thus a dichotomy was presented between the agents of reform and change on the one hand versus the forces of resistance against progress in the guise of a reactionary religious class on the other. The historiography was presented as a series of victories by the reformist-modernists over a conservatist opposition. Significantly, the Ottoman *devlet* and Islam were reduced and squarely placed within the paradigm of modernity while the Sunni ulema were presented within the purview that their motivations and actions were either pacified to conformity by this point in history, or reactionary to the dominant political and intellectual trends of the time.<sup>8</sup> However, this dissertation shall examine that these cases do not reflect the reality of the ulema, thus giving us an alternative reading of the late Ottoman *devlet* and its relationship with Islam and its interlocutors.

The aim of this dissertation is to present that the Ottoman ulema have been unreasonably written out of Ottoman history regarding the nineteenth century and early twentieth century. In particular it is the aim of this dissertation to present that in fact the ulema mattered to political transformation during the so-called key ‘secular’ milestones of reform during the nineteenth and twentieth centuries. This re-examination of the Ottoman Sunni ulema is not simply an attempt to re-appropriate the role of the Ottoman ulema regarding Ottoman political transformation, but instead place them within the greater study of Islamic intellectual thought, as there continues to be a dearth of studies on the Ottoman ulema within the departments of Islamic studies regarding this period. As a result, this dissertation is not simply a reflection of Ottoman history, but of a larger discourse of late nineteenth and twentieth century

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<sup>6</sup> From this moment I shall refer to the Ottoman Sunni ulema simply as ulema. I make the case by categorising the ulema as the ‘Ottoman Sunni ulema’, as the ulema were not restricted to the Ottoman world, and the ulema transcended boundaries and space. I also stress on the Ottoman aspect of the ulema, because although there are similarities in tradition with ulema outside the boundaries of the Ottoman world as well as ulema of the past, nonetheless, the ulema of the Ottoman *devlet* by 1908/1326 had transformed where although they had an identity based on tradition that tied them with the ulema of the past and outside the Ottoman domains, nonetheless they were distinct because of their role in the Ottoman politics. There is no doubting that this matter is far more complicated and nuanced than mentioned here, and that there are indeed exceptions to this point. Also it is important to make the case that the Ottoman Sunni ulema should not be restricted to the ulema of Istanbul or Anatolia.

<sup>7</sup> Yusuf Hikmet Bayur, *Türk İnkılâbı Tarihi*, Türk Tarih Kurumu Yayınları. (İstanbul : Maarif Matbaası, 1940); Niyazi Berkes, *The Development of Secularism in Turkey* (New York : Routledge, 1998).

<sup>8</sup> Bernard Lewis, *The Emergence of Modern Turkey*. (London : Oxford U.P., 1961). Niyazi Berkes, *The Development of Secularism in Turkey* (New York : Routledge, 1998).

Islamic intellectual thought, which includes the Ottoman world - as its centre, Islam and its ulema.

Accounts of the ulema of the late Ottoman *devlet*, especially in Istanbul, Anatolia and the Balkans have focused on a gradual decline of their influence and authority regarding transformation of the state structure (modernisation narratives)<sup>9</sup> that seemingly weakened ulema guidance due to the ulema's inability to adapt to the transformation of state institutions and structure.<sup>10</sup> If it wasn't their limitation regarding state transformation, intellectual decline was cited, more often than not, both. It was often explained that due to the rise of a new educated Muslim elite class that emerged from the 'new civil Ottoman schools', that privileged spaces only the ulema had enjoyed, became contested in which the ulema became further marginalised. There is no doubting that new forms of learning, schooling, and opportunities did indeed create new spaces, which encroached upon areas that the ulema were a part of. Yet, what is worth of note, is not only did the ulema learn to adapt and embrace the new spaces the state created such as the parliament and journalism, but they also managed to curtail and co-exist with Ottoman intellectual activity within their traditionalist purview. There is no doubting there were tensions due to this new intellectual environment but it is also true that the ulema became exposed to intellectual ideas outside their remit, but managed to uphold the ideals of traditionalism to reflect a period of what one could term an amalgam of the tradition and 'modern' if such binary can be placed as hybrid ideas presented a period of intellectual transformation as much as state. It is worth to note as İsmail Kara has suggested that this was a period which one could deem where there was an 'intellectualisation' of the ulema in the Ottoman *devlet*.<sup>11</sup>

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<sup>9</sup> The modernisation theory/narrative was constructed where it reflected that for a nation or society to progress it needed to evolve from its respective traditionalism to modernity. This placed modernity as progressive and tradition as the opposite. This shall be addressed throughout this dissertation.

<sup>10</sup> Carter V. Findley, *Bureaucratic Reform in the Ottoman Empire: The Sublime Porte, 1789-1922*, Princeton Studies on the Near East (Princeton; Guildford: Princeton University Press, 1980).

<sup>11</sup> İsmail Kara, "Turban and Fez: Ulema as Opposition," ed. Elisabeth Özdsalga, *Late Ottoman Society: The Intellectual Legacy*, SOAS/Routledge studies on the Middle East; 3, n.d., pp162–200. It is worth noting that Kara is not suggesting that intellectualisation is to reflect European idealism but rather the ulema becoming exposed to Muslim thinkers ideas and new spaces such as journalism. For an alternative reading on Muslim intellectualism see Jan-Peter Hartung, "What Makes a Muslim Intellectual? On the Pro's and Con's of a Category," *Middle East – Topics & Arguments* 1 (2013): 35–45.

There is disproportionate literature favouring the ulema's 'reactionary' attitudes regarding transformation.<sup>12</sup> Rodric Davidson had suggested that the ulema were opposed to innovation<sup>13</sup>; Bernard Lewis viewed them as stagnant<sup>14</sup>, while Niyazi Berkes proclaimed that the Turkish Republic had rightly eliminated them.<sup>15</sup> With such positions it was not a surprise that there was a dearth of studies of positive portrayals on the Ottoman ulema in English as David Kushner conceded that the ulema indeed had been under researched to the detriment of Ottoman studies.<sup>16</sup> One could assume, as Kushner did, that scholarly judgments focused on 'priorities' and that an intellectual taint attached to the study of religious matters had contributed to a dearth of studies related to Islam.<sup>17</sup> That there was an 'intellectual taint' on the study of religious matters is also telling of opinions many earlier historians held. The majority of the literature popularised the notion that due to the challenges of 'modernisation' the ulema became a declined entity/institution. This notion still resonates in contemporary literature that the narrative of the ulema has yet to recover, as common discourse of orientalist tropes continue to present a stagnation that affects the ulema up until today. It had been assumed that in the face of considerable and unrelenting changes in the 'modernising' world that the bastions of tradition - the ulema, had become redundant, and of little interest in contemporary Muslim societies. This decline has mainly been attributed of the ulema of the nineteenth century's inability to adapt to the 'progressive' changes modernity brought with it. In particular, in the Ottoman *devlet* the ulema were presented to have lost their political authority after the destruction of the Janissary corps by Sultan Mahmud II<sup>18</sup>, in Egypt a similar narrative of decline was presented due to the centralisation policies of the powerful Egyptian governor Mehmed Ali Pasha; and in the Indian sub-continent weakening of ulema authority was depicted due to British colonialism. It would be fair to assume that each part of the Islamic-world had its own unique conditions,

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<sup>12</sup> Bayur, *Türk İnkılâbı Tarihi*; Berkes, *The Development of Secularism in Turkey*, 1998; Lewis, *The Emergence of Modern Turkey*.

<sup>13</sup> Roderic H. Davison, *Reform in the Ottoman Empire, 1856-1876* (Princeton : Princeton UP, 1963). p67.

<sup>14</sup> Lewis, *The Emergence of Modern Turkey*. pp445-446.

<sup>15</sup> Berkes, *The Development of Secularism in Turkey*, 1998. p5.

<sup>16</sup> David Kushner, "The Place of the Ulema in the Ottoman Empire During the Age of Reform (1839-1918)," *Tircica* Tome XIX (1987): pp50-55.

<sup>17</sup> Ibid.

<sup>18</sup> Much of the scholarship restricted ulema political authority tied to Janissary authority. However, this narrative requires some attention as the ulema out survived the Janissary, suggesting that ulema authority was not simply attached to Janissary might.

including the ulema's authority in each of these regions, yet narratives continued to be presented in uniformity, that modernity had weakened the ulema globally. As a result, ulema decline narratives somewhat became universal.

In the Ottoman case- the focus of this thesis, this plain supposition of ulema political authority to be restricted to military strength negated alternate means of ulema authority in holding the Ottoman governing elite to account. Notwithstanding this, while the Janissary were destroyed the ulema continued to survive and later when the Ottoman *devlet* collapsed, the ulema have maintained their importance and centrality to Islam and Muslim society, therefore suggesting that it was their traditional scholarly authority and standing in Muslim society that were the key tenants to their influence in government, not simply reliance on military might.

To misconstrue the role of the ulema is to misconstrue the role of Islam in this period as well as to the Ottoman *devlet*, so integral were they to Ottoman state, society and religion.<sup>19</sup> It is from the perspective of the ulema that the legitimacy of state transformation can be accepted, especially since the constitutional movement was concerned with remodelling the traditional Ottoman conception of the Caliphate theory of governance that also had much theorisation from both traditional Ottoman and medieval Islamic political thought.<sup>20</sup> In that sense, the ulema of the nineteenth century were theorising and applying a practice of a constitutional Caliphate with a parliamentary structure never implemented before in the history of Islamic societies. Whereas in the early Hamidian period the Sultan was cited as the protector of the constitution, during the advent of the Constitutional Revolution the ulema proclaimed that it was in fact the constitution that was not only to account the Caliph, but it was also protecting state and society from abuse of power. Thus pointing that documented constitutionalism had started to become institutionalised in Islamic thought and practice as a requisite for a good Caliphate system.

Recently, there have been revisions in English of the importance of the Ottoman ulema and their significance to Islamic intellectual thought and the Ottoman

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<sup>19</sup> The ulema were one of the pillars of the Ottoman *devlet*. This included, the Ottoman household, the military and the ulema.

<sup>20</sup> It is worth noting how nineteenth century debates involved discussions that mentioned political debates of the first four Caliphs of Islam, the medieval scholars of Islam and of Ottoman politics of what Baki Tezcan mentioned as the Second Empire. Thus, Ottoman configuration of 'Modern-Islamic' statecraft was a reflection of these political theories that requires much attention of the discursive nature of Islamic politics by the nineteenth century, which this thesis cannot unfortunately give. See also Hüseyin Yılmaz, *Caliphate Redefined: The Mystical Turn in Ottoman Political Thought* (Princeton, NJ: Princeton University Press, 2018).

*devlet*.<sup>21</sup> However, these narratives have focused on individual *ālims* rather than examining the ulema as an institutionalised community/collective.<sup>22</sup> This is understandable as there is no doubting that exploration of the ulema, as a unit of analysis is indeed a difficult task. The difficulty of examining the ulema as a collective unit is based on the recognition that the ulema were never a homogenous block, such were the complexities of the web of factions the ulema belonged to that it was far easier to examine single *ālims* to reflect a larger trend or intellectual legacy. However, a prosopography analysis of a host of ulema works published in the Late Ottoman press and pamphlets during the Constitutional Revolution has provided the possibility of detecting certain ideological trends, relatable ideas and emotions that many historians have chosen to ignore. With matters to do with politics, power, orthodoxy and the tradition, trends and connectivity of many ulema can provide us with a far better analysis on the ulema as a community of scholars that represented the tradition of Islam as well as how they functioned as political actors. Thus, rather than examining one single *ālim* in late Ottoman history, this dissertation will present the actions and thoughts of a host of ulema and their ideas across the provinces to reflect how they were as a traditional-religious scholarly community, a consensus and mediatory community, important to Ottoman society, religion, and state transformation. More importantly, it will be shown how the upheaval of the Constitutional Revolution forced the ulema into political visibility due to a situation of crisis and opportunity for change, which was unique in late Ottoman history. It must be stressed that while the ulema published a host of works in this period on matters to do Islam, this study is not however a study on ulema legal history or theology. Instead, it will rather attempt to show how the ulema as an institutional body came to still be relevant in Late Ottoman history, thus this is both a political history and intellectual history of the Ottoman ulema.

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<sup>21</sup> Amit Bein, *Ottoman Ulema, Turkish Republic: Agents of Change and Guardians of Tradition* (Stanford, California: Stanford University Press, 2011); While Bein's work points to the ulema, on closer inspection the study is mainly focused on two Ottoman *ālims*, Mustafa Sabri Efendi and Mûsa Kâzım Efendi. See also Susan Gunasti, "Approaches to Islam in the Thought of Elmalılı Muhammed Hamdi Yazır" (Princeton, 2011). Gunasti's work focuses solely on Hamdi Yazır

<sup>22</sup> Thomas Pierret calls this the 'great *ālim*' narrative in Thomas Pierret, *Religion and State in Syria: The Sunni Ulema under the Ba'th*, Cambridge Middle East Studies ; (New York : Cambridge University Press, 2012). pp10-12. An example of such studies - though there are many - are Albert Hourani, *Arabic Thought in the Liberal Age, 1798-1939.*, [New ed.] (Cambridge : Cambridge University Press, 1983); Malcolm H. Kerr, *Islamic Reform: The Political and Legal Theories of Muḥammad 'Abduh and Rashīd Ridā* (Berkeley ; Los Angeles : University of California Press, 1966).

It is important to highlight how the ulema are important to Ottoman history by revealing a host of functions they practiced as a collective. The first is to acknowledge the actions of the ulema as a consensus group, and how they helped to shape and influence not only Ottoman political statecraft but also Islamic political discourse from their traditional and scholarly perspective which is imperative as the Ottoman state was a Caliphate, Islamic and appealed to religious symbolism of which required ulema endorsement.<sup>23</sup> As mentioned, I shall not focus on a single *ālim* but rather attempt to present the ulema as a consensus community, that were intellectually networked ‘translocally’/‘transregionally’.<sup>24</sup> While the Young Turks had attained the military muscle to re-instate the Constitution in 1908/1326, intellectually it seems evident, as shall be shown that they depended on the ulema across the Ottoman domains as much as they did their own intellectuals to construct and propagate an Islamicate constitution. This can also be seen during the First Ottoman Constitutional debates in 1876/1292, in which the Grand Vizier at the time Midhat Pasha also relied heavily on key ulema to push for the acceptance of constitutionalism as a form of governance in compliance with Islam.<sup>25</sup> Transformation on these matters not only required a general intellectual consensus from the ulema but political influence and authority also. For this reason it is worth drawing on the interactions of ulema intellectual ideas, that constructed and legitimised political change. This also implied the importance of the ulema within the state structure over those outside of it, as those in positions of authority or close to it generally established general consensus, while ulema on the periphery of political authority often struggled to do so. It can be argued that this was one of the reasons why the ulema recognised the need to be a part of the state structure rather than be independent from it. This became further endorsed when

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<sup>23</sup> Even when the Ottoman Caliphate was abolished the New Turkish Republic felt the need to attain support from what remained as the ulema class to legitimize the abolishment of the institution.

<sup>24</sup> This point refers to the idea that intellectual ideas and traditions of the ulema cannot be restricted to regional borders. To speak of Muslim tradition or ideas only in relation to a particular region is no doubt misleading as it reflects that there is regionally defined traditions that do not interact outside of their regional spaces. As a result there is a need to recognize that there was a fluidity of ideas that correlated transnationally, not only restricted to Istanbul or indeed the Ottoman Empire, but the whole of the Muslim world. However, I stress on translocality based on the point that although there were a host of commonalities and values that were shared universally in the Muslim world, the Ottoman Sunni ulema had a practical impact in initiating the change in governmental structure as they were still within the Ottoman domains. It is for this reason I use translocality in order not to seclude the ulema of the other provinces of the Ottoman Empire, yet not transnationalism as Sunni ulema outside the Ottoman domains only reflected a global trend in Muslim thinking but were unable to impact political change as active members of Ottoman society.

<sup>25</sup> Selda Kaya Kılıç, *İlk Anayasanın Hazırlanması Osmanlı Devletinde Meşrutiyet’e Geçiş* (BERİKAN YAYINEVİ, 2010).



the ulema entered the Ottoman Parliament as the parliament became the most authoritative political apparatus from 1908/1326 onwards.

### **Modernisation, Westernisation and Tradition**

Another focus of this dissertation is to highlight the intersection of ‘modernity’ in the Late Ottoman *devlet* on the one hand, and modernity’s impact on ‘traditional’ Islamic political thought and traditional/traditionalist Islamic agents, the Caliph and ulema on the other. It would be no understatement to suggest that the study of modernity is in fact the study of religion, in this case Islam and the Ottoman *devlet*. Earlier narratives frequently placed modernity and tradition within a binary paradigm, thus placing the actors of religion either on the side of modernity (progress, western or secular) thus shifting away from religion for progression, or the opposing side with tradition, thus reactionary. Rather than viewing the negotiations between what people perceived as tradition and modern, instead a distinct creation between what is tradition and modern was presented.

This thus placed Islam and its actors solely within the paradigm of modernity, either in rejection to it, reactionary to it, or tacit and resigned acceptance of it. Transformation was seen as modernity and the terms associated with it were either seen as positively part of the reform process facilitating the secular, or in some Muslim circles as a betrayal by Muslim thinkers to the values of Islamic tradition. It came down to how people viewed modernity, but the impact of modernity as an ideal was neither questioned nor denied. State, educational and religious transformation was not perceived as discursively Islamic but rather discursively leading to the secular. In that sense Huri Islamoğlu and Peter C. Perdue were correct in suggesting that “paradigms determine the writing of history”.<sup>26</sup> Thus it is fair to assume that most if not all of history writing is based upon a set of assumptions about the nature of a given society, regarding its past, present and future trajectory of development.<sup>27</sup>

In particular regarding the modernisation of the Ottoman *devlet* Niyazi Berkes, Rodric Davison, Stanford Shaw and Şerif Mardin emphasised the clash between the promulgators of modernity influenced by the West against the vanguards

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<sup>26</sup> Huri Islamoğlu and Peter Perdue, *Shared Histories of Modernity: China, India and the Ottoman Empire (Critical Asian Studies)* (India: Routledge, 2009). p1

<sup>27</sup> Ibid.

of Islamic tradition such as the ulema.<sup>28</sup> But Ottoman historians have since attempted to challenge such notions by showing in fields of education, law and architecture that the distinction between what was to be deemed modern and what belonged to the world of tradition was unclear, thus indicating that the Ottoman world and its institutions were transformative.<sup>29</sup> In particular historians attempted to show how modernity was distinct from Westernisation attempts by the Ottoman state and its agents, by highlighting that indeed the Ottomans were part of the evolving world, thus a part rather than apart. But while historians have attempted to draw distinction between the idea of modernisation being distinct from Westernisation, there can be no denial that the idea of being modern, progressive and reform minded still suggests Western notions of what it means to be modern. In that sense, being modern still hinges on comparisons to Western notions of modernisation. While academics have attempted to show that not all reform attempts were designed to emulate Western modes, nonetheless so heavily is the engrained idea of modernity synonymous with the idea of the West versus the non-West, that non-Western transformation is still perceived as belonging to a global hegemonic understanding of progress that still draws its legitimacy from Western notions of progress. It is thus worth considering as Mahmut Mutman has argued on how and who voices opinion on Islam, especially the politics of Islam. For Mutman, Islam entered modernity under Western colonialism, thus narratives of modernity and Islam are placed within the paradigm of colonality and Western superiority.<sup>30</sup>

In that sense, it is worth entertaining the idea of Olivier Bouquet who asks the question “Is it time to stop speaking about Ottoman modernisation?”<sup>31</sup>, especially

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<sup>28</sup> Niyazi Berkes, *The Development of Secularism in Turkey* (New York : Routledge, 1998); Stanford J. Shaw, *History of the Ottoman Empire and Modern Turkey / the Rise of Modern Turkey, 1808-1975* (Cambridge : CUP, 1977); Roderic H. Davison, *Reform in the Ottoman Empire, 1856-1876* (Princeton : Princeton UP, 1963); Şerif Mardin, *The Genesis of Young Ottoman Thought : A Study in the Modernization of Turkish Political Ideas*, 1st Syracuse University Press ed., Modern Intellectual and Political History of the Middle East (Syracuse, N.Y. : Syracuse University Press, 2000).

<sup>29</sup> Benjamin C. Fortna, *Imperial Classroom : Islam, the State and Education in the Late Ottoman Empire* (Oxford : Oxford University Press, 2002). Shirine Hamadeh, “Ottoman Expressions of Early Modernity and the ‘Inevitable’ Question of Westernization,” *Journal of the Society of Architectural Historians* 63, no. 1 (2004): 32–51, Selcuk Aksin Somel, *The Modernization of Public Education in the Ottoman Empire, 1839-1908: Islamization, Autocracy and Discipline* (Leiden ; Boston: Brill, 2001). A. Rubin, *Ottoman Nizamiye Courts: Law and Modernity*, 2011 edition (New York: Palgrave Macmillan, 2011).

<sup>30</sup> Mahmut Mutman, *The Politics of Writing Islam: Voicing Difference* (New York: Bloomsbury Academic, 2014). pp1-7

<sup>31</sup> Olivier Bouquet, Is It Time to Stop Speaking about Ottoman Modernisation?," *Order and Compromise: Government Practices in Turkey from the Late Ottoman Empire to Early 21st Century*, 2015, 45Comp

since the earlier notions of modernisation paradigms placed modernity squarely within the framework of Westernisation.<sup>32</sup> While some may argue that the Ottomans were also European, hence they also belonged to the changes that were taking place in Europe. It is still quite clear that the language and set of rules with which modernity is established places the Ottomans within the non-West. As mentioned, if non-Western societies and states did present forms that one could deem modern it was in comparison to what was deemed modern in the West, thus still not escaping the modernisation theory. It then begs the question whether making distinction between modernisation and Westernisation is simply an exercise in semantics.

It must be conceded that maybe the idea of modernity is so intermeshed with the manner we now see the world that to ignore the 'modern' is now an unrealistic expectation from the academic. As a result, in the last decade social scientists have instead started to argue against the idea of a uniformed modernity. In the case of the Ottoman domains how does one examine modernisation? The notion that all modern transformations lead to a uniform modern is problematic when examining the Ottoman world, simply because the Ottoman world in itself was not a unified cultural or intellectual block. Apart from the boundaries of which peoples of all faiths and ethnicities lived, the conditions of the Ottoman domains differed from province to province. 'Modernity' if we can't find a better word to describe progress reflected rather different things in different provinces or indeed peoples, and so responses to the introduction of the 'new' varied from province to province and people to people. Some academics have coined this experience as 'alternative modernities' or 'multiple modernities'.<sup>33</sup> It goes to show the difficulty the Ottoman world experienced when the introduction of new ideas or the transformation of traditional ones took place, as reactions were never uniform as consensus building was the most effective mechanism for the adoption of 'new' ideas and technologies.

It is also worth noting that while there were indeed differences regarding the provinces, there were also connections that should not be ignored nor relegated as insignificant. Muslim networks, fears, traumas, as well as intellectual trends point to a host of connections that require attention.

On this point it is worth pointing out how Istanbul was indeed a centre of not only the Ottoman domains but the Muslim world by and large. It can be argued that

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<sup>32</sup> Frederick F. Anscombe, *State, Faith, and Nation in Ottoman and Post-Ottoman Lands* (New York, NY : Cambridge University Press, 2014).

<sup>33</sup> Gaonkar, *Alternative Modernities*.

Istanbul was not simply an Islamic centre/city but ‘the’ Islamic city and centre of the Muslim world, and changes in Istanbul resulted in responses in both the provinces and the Muslim world as a whole. But while it is correct to argue as İsmail Kara has that in most academic works regarding nineteenth and twentieth century Islamic thought the centrality of Istanbul or in many cases the place of Istanbul in the larger debates have been either ignored, neglected or deliberately sidelined for more Arabist narratives<sup>34</sup>, nonetheless it must also be stressed that the relationship between Istanbul and the other provinces was not a linear relationship between authority in Istanbul and the provinces, but rather a reciprocal relationship of interaction from the imperial centre to the rest of the Ottoman domains and by extension the rest of the Muslim world and neighboring nations. The concern here is that while attempting to rightfully acknowledge the importance of what was happening in Istanbul within the narrative of nineteenth-twentieth Islamic thought a rather top-down narrative can be facilitated that could become rather Istanbul centered. Thus, seeing Istanbul as the centre and the rest as the periphery would be unhelpful. In this sense I argue centre-provinces is a better way of understanding the Ottoman domains rather than centre - periphery.

As a result, as will be examined, the positions of Islam in general and the ulema in particular were rather complex, as the ulema, irrespective of their differences attempted to preserve and adapt tradition based on the rapid changing reality initiated by the Constitutional Revolution, the introduction of constitutional politics and Counter-revolution of 1909/1327.

It may not be possible to be able to explain the complexities, but it is important for the reader to be aware that this endeavour of enquiry is indeed a process, and that this dissertation is simply part of a process, not an end. With this in mind it is significant to stress that there were a wide spectrum of ulema who were studied in this dissertation who were indeed products of their time, who changed positions for various reasons, who were in favour of reform and against, who changed opinions and positions and thus placing individuals within the purview of ‘Modern’ Islamic thought and tainting all with the same brush in itself is fraught with difficulties.

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<sup>34</sup>İslam and Islamism in Turkey: A Conversation with İsmail Kara-

<https://www.themaydan.com/2017/10/islam-islamism-turkey-conversation-ismail-kara/>

As a result, while it may not be possible to discard the term modern, and for the sake of this dissertation if we are to use the term modern to describe a period in history then I shall attempt to make distinction between the idea of an *âlim* being ‘modern’ thus a product of what is deemed as the ‘modern’ period and an *âlim* who is a ‘modernist’ who subscribed to a reform process which attempted to emulate Western norms and practices. While both are products of the modern reality, thus neither being able to escape the rather subjugated position of Western superiority, nonetheless a distinction is needed to show how in my opinion some were rather more active participants of the reform process over others. As a result, I hesitantly try to make distinction by use of subtle difference between those ulema who managed to use the tools of the ‘modern’ thus can be categorised as ‘modern ulema’ who continued to work within their traditionalist purview, and those ulema who chose to reach outside of their purview of traditionalism of which we can call ‘modernist ulema’. The distinction becomes important as the ulema were either accused of being reactionary or modernists who facilitated the collapse of the Ottoman *devlet*.

This study places ulema authority at the heart of this dissertation. I argue that ulema authority firstly should not simply be restricted regarding the ulema’s relationship with state institutions – although important - as alternative modes of authority ought to be considered. It is worth noting how authority and power is viewed. There is the age old saying that knowledge is power, and there is no doubting that in the Islamic world knowledge production and the tradition by and large required qualification from the sage (*âlim*). It is via this main institution of learning which the ulema took their authority that transcended into a host of structures and institutions of the Ottoman *devlet*.

There is no doubting that by the late nineteenth and early twentieth century that the Ottoman ulema class were attached to the state structure as state actors, in fact one could argue as has been examined by Abdurrahman Atçıl that this process began even earlier in the Ottoman context.<sup>35</sup> However, it is also worth noting that many ulema functioned outside the structures as non-state actors, but nonetheless integral parts of Ottoman society, which provided them an authority, that was harder

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<sup>35</sup> Abdurrahman Atçıl, *Scholars and Sultans in the Early Modern Ottoman Empire* (Cambridge University Press, 2016). For others see Rhoads Murphey, “Politics and Islam- Mustafa Safi’s Version of the Kingly Virtues as Presented in His Zübde’tül Tevarih, or Annals of Sultan Ahmed, 1012-1023 A.H./1603-1614 A.D.,” in *Frontiers of Ottoman Studies: State, Province and the West*, ed. Colin Imber, Rhoads Murphey, and Keiko Kiyotaki, Library of Ottoman Studies ; (London : I. B. Tauris, 2005).

for the government to regulate. This is especially the case in certain parts of the Balkans, nomadic areas in the Arab provinces and Mesopotamia. I emphasise firstly, the ulema were capable of adapting and acquiring opportunities in the novel spaces of authority the new state formations created and traditional methods continued to be applicable to ulema authority in both state and society. In this sense, it is also worth noting how the ulema were able to interact with spaces of tradition and modern that didn't necessarily need to be in binary conflict to one another. This indicates that both Islam and the ulema were apt in adapting in discursive ways to the ever-changing world.

This study is thus an attempt to understand Islam in the late Ottoman *devlet*, during a moment of great flux and change, but more specifically the ulema's place within this narrative as guardians of the faith. Much has been written on the other leading actors during this period such as the military soldier<sup>36</sup>, bureaucrat and Young Turk intellectual<sup>37</sup>, but the narrative of the ulema is either secondary or absent. The concern of this study falls into both the fields of late Ottoman studies and Islamic studies. Both studies have given little attention to the late Ottoman ulema, only recently have studies attempted to use a multidisciplinary approach. However, when narratives did recognise this point they restricted the ulema to local narratives placing them within the frameworks of nation-state conceptions. These characterizations, however, succumb to nationalist accounts, which restrict ulema influence simply to their respective nation-state<sup>38</sup>, whereby their 'translocal' and even 'transnational' or 'transregional' ability become neglected. In particular the ulema were not presented as the 'Ottoman' ulema translocally connected, instead the narratives were restricted to local conditions.<sup>39</sup> The respective fields neglected the ulema as the Ottoman Sunni

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<sup>36</sup> Feroz Ahmad, *The Young Turks : The Committee of Union and Progress in Turkish Politics, 1908-1914* (Oxford : Clarendon Press, 1969); Ernest Edmondson Ramsaur, *The Young Turks : Prelude to the Revolution of 1908.*, Khayats Oriental Reprints ; (Beirut : Khayats, 1965); Naim Turfan, *The Rise of the Young Turks: Politics, the Military and Ottoman Collapse* (London: I.B.Tauris, 2000); Erik Jan Zürcher, *The Unionist Factor : The Role of the Committee of Union and Progress in the Turkish National Movement, 1905-1926* (Leiden : Brill, 1984).

<sup>37</sup> M. Şükrü Hanioglu, *The Young Turks in Opposition*, Studies in Middle Eastern History (New York, N.Y.) (New York : Oxford University Press, 1995); M. Şükrü Hanioglu, *Preparation for a Revolution : The Young Turks, 1902-1908 /*, Studies in Middle Eastern History (New York, N.Y.) (Oxford : Oxford University Press, 2001); M. Şükrü Hanioglu, *A Brief History of the Late Ottoman Empire* (Princeton ; Oxford : Princeton University Press, 2008).

<sup>38</sup> An example is Rashid Rida's influence on Egypt and Syria, Hamdi Yazır and Said Nursi to Turkey. Very little mention has been given to the influence of their ideas to other parts of the Muslim world.

<sup>39</sup> An example is the ulema of the Arab provinces that were not placed within the greater Ottoman narrative of transformation, instead within the Arab context. The *an-Nahda* (Arab cultural renaissance) narratives cannot be viewed in absence of what was happening in ulema thought in Istanbul or other

ulema for different reasons but nonetheless the implication on Ottoman Islamic thought and the ulema of the Ottoman *devlet* resulted in the same. Although it would be impossible to include all the ulema, and there is no doubting the local characteristic of the ulema outside the political centre, nonetheless I shall shift emphasis between the centre and provinces in an attempt to present the commonality the ulema displayed regarding their attitudes on constitutionalism, executive authority and the slogans the Constitutional Revolution brought with it.

The increase of alternative actors who became part of the educated Muslim class due to the increase of education in the Ottoman *devlet* is also worth of note. The Muslim thinker would both critique the traditionalism of the ulema and the aggression of the West. As a result, narratives of ulema reactions towards the new Muslim educated thinker was restricted to defensive prostrations or apologist positioning. There is no doubting that there was an increase of Muslim thinking that challenged the ulema in an unprecedented manner during the nineteenth and twentieth century that had not challenged their intellectual position vis-à-vis Islam before. But just as the role of the Sufi Sheikh and *ālim* had become blurred in Islamic history, so too did the lines of differentiation between *ālim* and Muslim thinker/intellectual. This is what İsmail Kara has explained ‘by joining the opposition the ulema substituted their turban for the fez’.<sup>40</sup> In some cases one was able to belong to ecclesial and intellectual space at the same time. This then begs the question whether an *ālim* can also be a Muslim intellectual and vice versa. It is also true that many Muslim thinkers/intellectuals also recognised that they still required ulema acceptance if they were to become participants in debating Islam and building Muslim societies. During this time of flux Muslim thinkers/intellectuals not only appealed to the ulema but worked with them, thus one could argue that while the ulema were becoming intellectualised<sup>41</sup>, the Muslim thinker was also becoming influenced by ulema traditionalism. The ulema as a consensus community continued to dominate what was to be embraced into Islamic tradition and no matter how unanimous the Muslim intellectual community was, it still neither had the authority nor the ability to

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parts of the Empire. What we see is a transnationality of Islamic ideas across the Muslim world. There are many examples of such regarding the Ottoman ulema.

<sup>40</sup> İsmail Kara, “Turban and Fez: Ulema as Opposition,” ed. Elisabeth Özdsalga, *Late Ottoman Society: The Intellectual Legacy*, SOAS/Routledge studies on the Middle East ; 3, p165. On this point it is worth mentioning the service İsmail Kara has given to a host of works on the Ottoman ulema, which sadly has been restricted to Turkish as very little is translated.

<sup>41</sup> Kara.,p182. As Kara further argues that the ulema increasingly used ‘intellectual’ language as he stressed that there was an acceptance of teaching-thinking-perception clichés at the time.

determine what concepts and ideas are to be accepted into the discursive Islamic tradition.<sup>42</sup> What Muslim thinkers and intellectuals did were to introduce concepts into the intellectual space and public opinion, but adoption still required ulema co-operation creating a unique relationship between Muslim thinker and *ālim*. As a result to simply view that the Muslim thinker/intellectual had weakened the ulema's authority is to negate from the rather reciprocal relationship between Muslim thinker and *ālim* but also from appreciating the Muslim thinkers' restriction regarding tradition that further empowered the ulema's importance in the scholastic and religious sphere. As a result, it should come as no surprise that Muslim thinkers and ulema alike worked attentively together far more than the focus on their contestations suggest.

It has seldom been adequately recognised, however, that it is not only Muslim thinkers or "Islamists" that have criticised tradition. As ulema too have been vigorous critics of particular aspects of tradition and important contributors to the debates in 'modern' Muslim societies.<sup>43</sup> In the late Ottoman *devlet* the ulema held a critical position on the idea of the Caliphate stressing on the restraining of absolute authority. Without the ulema's acceptance as a consensus community it is safe to assume that the introduction of constitutionalism would not have become a possibility in the Ottoman domains. Although this is not disputed in Ottoman studies, however what is presented is that the ulema either simply became agents to rubber stamp governmental decisions and/or were passive participants to the intellectual constitutional debates.

Deep-rooted assumptions have indeed remained established in the case of the ulema, however gradual scholarship on ulema studies has started to address this lopsided interpretation of the ulema, their importance and authority in both Ottoman studies and contemporary Muslim societies. As Muhammad Qasim Zaman has pointed out the ulema, their transformation, their discourses and their religiopolitical activism can, indeed only be neglected at the cost of ignoring or misunderstanding crucial facets of contemporary Islam and politics.<sup>44</sup> There is no doubting that religion,

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<sup>42</sup> Ovamir Anjum, "Islam as a Discursive Tradition: Talal Asad and His Interlocutors," *Project Muse - Comparative Studies of South Asia, Africa and the Middle East* 27, no. 3 (2007); Talal Asad, "The Idea of an Anthropology of Islam," *Qui Parle- Duke University Press* 17 (2008); Muhammad Qasim Zaman, *The Ulama in Contemporary Islam Custodians of Change*, Princeton Studies in Muslim Politics. (Princeton, N.J. : Princeton University Press, 2002).

<sup>43</sup> Zaman, *The Ulama in Contemporary Islam Custodians of Change*., pp 42-45.

<sup>44</sup> Zaman.,pp3-4.



not simply Islam continues to play a historical role worthy of not only interest but also renewed investigation. It should be noted that during moments of political unrest, especially during exceptional circumstances, the political stance of the ulema becomes of utmost importance in Muslim societies.

Regarding Islamic law it is understood that *ijma'* (consensus) of the ulema is practiced to provide validity. This debate however is not simply regarding Islamic law. But rather, the ulema as a community still continues to regulate mainstream Muslim society even at times when they are presented as marginal figures, as they continue to monopolise the intellectual capital whether as leaders of change or as a pressure group to being integral to any transformation in Muslim societies. *Ijma'* is not simply consensus but a process of communal deliberation, discussion, disagreement and concurrence. The process is often complex and subtle that requires many voices to voice opinion based on the established tradition of which they belong to. Muslim speculative reasoning was qualified by calling for its subordination to the consensus of other ulema, both in the centre and non-centre.<sup>45</sup> The consensus is not simply required to conform to one another but to confirm conformity with ulema of the past. As a result, the introduction of an ideal, such as the term freedom or constitutional theory requires wider consensus based on space and time. This encompasses the practice of procedure and also outcome, which requires discussion on tradition and modern. The consensus of the ulema was not bound by the number of ulema that agreed with a concept but rather as Farzana Shaikh has said, as 'slowly accumulating pressure of opinion over a long period of time'.<sup>46</sup>

Consensus activity was not simply restricted to the ulema. The use of committees, councils and parliament are all structures reflective of consensus politics, however the ulema were part of all these processes. In some ways this points to extending the idea of consensus politics as a function that was inclusive to wider society, not simply Muslim either. In the case of Ottoman parliamentarianism consensus (*Ijma'*) and council/deliberation (*Şura*) became the two major tenants of representative politics in the late Ottoman *devlet* from 1908/1326 onwards. This rather suggests that the ulema cannot be deemed with exclusivity when framing them as a consensus group. While this is true on one hand, however, their inclusion as a

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<sup>45</sup> Farzana Shaikh, *Community and Consensus in Islam: Muslim Representation in Colonial India, 1860-1947*, Cambridge South Asian Studies ; (Cambridge : Cambridge University Press, 1989). p72.

<sup>46</sup> Shaikh.,p35. Although Farzana extends this point regarding Muslim community by and large, this however also can explain the role of the ulema.

consensus group was instrumental for consensus political and social practices to take place. As a result it is important to make distinction between consensus as a practice in a general sense, and the ulema as being a consensus group/community whose opinion and position is necessary for transformation.

It has been argued that when general consensus politics was introduced to the Muslim world in the nineteenth century that this marginalised the role of the ulema as they became just one of the many factions in the coalition of voices. Added to that it can be argued that not only did Ottoman parliamentarianism marginalise the role of the Caliph but also the ulema by empowering other communities and agencies in the decision-making process. Although the role of non-Muslims was indeed troublesome for the ulema regarding political decision-making, it nonetheless legitimised that general opinion should be sought from every segment of Ottoman society to have a reflective public opinion<sup>47</sup>, of which the ulema were a part of, but matters of religion were solely the ulema's remit especially if law was to be passed in parliament then ulema consent was required, and sought. The growing complexities of Muslim communities and regional differences did not invalidate a commonality of tradition, culture and civilisation.<sup>48</sup> The ulema thus became important as a consensus community within consensus politics. They were seen as a faction whose role was to achieve consensus based on being 'just' in accordance to Islam.

It is also worth noting that the ulema were also a mediatory group between Muslim subject/citizen and state but also state/Muslim community and religion. As bastions of religion the ulema became the guardians of the religion, in doing so this complicated dynamic of religion, the state and *ummah* (Muslim community), meant that the ulema more often than not were required to mediate between state and society as representatives of religion. On some occasions the ulema had to mediate with both state and society regarding the religion. As a result the pulpits and mosques became their traditional spaces where they interacted with the masses. When the Constitutional Revolution of 1908/1326 took place and during the Counter-revolution

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<sup>47</sup> Public opinion started to become an important aspect of authority that reflected the authority of the *ummah* which has seldom been given adequate attention. The idea of the *ummah* in many ways blurs hierarchy and power as the *ummah* transcends the borders of any given nation, empire or region. While academics such as Cemil Aydin, Peter Mandaville and James Piscatori have questioned the political nature of the notion of the *ummah*, nonetheless it is worth noting that the 'idea' of the *ummah* is in many ways a political one. See Cemil Aydin, *The Idea of the Muslim World: A Global Intellectual History* (Harvard University Press, n.d.); James Piscatori, *Muslim Politics (Princeton Studies in Muslim Politics)* (Princeton University Press, 2004); Peter Mandaville, *Global Political Islam* (Routledge, 2007)

<sup>48</sup> Farzana Shaikh, *Community and Consensus in Islam*, p29.

of 1909/1327 it was the ulema who were sought by mainstream Muslims of what course was the right one, either rebellion/opposition or upholding the status quo. Even here, while positions and opinions varied, it was the ulema as a consensus group that managed to sway the public as dissenting voices within the ulema ranks were marginalised for what the consensus dictated. How was this consensus achieved is a difficult question to answer, but in the case of 1908/1326 onwards the creation of official ulema organisations was one way that a unified voice could be presented. Unity was thus a central ideal for consensus, and for the sake of unity, dissenting voices were marginalised. The ulema as mediators became integral during the constitutional revolutionary period, as their importance to Ottoman officialdom seemed to increase rather than decrease in this moment. <sup>49</sup>

### **Historiography- The Role of Islam in the Late Ottoman *devlet***

Hasan Kayali mentioned, ‘Ottoman literature has seldom given sufficient attention to the variety of ways in which Islam – be it local, national, modernist, reformist, or conservative – intermixed and interlaced in debates to preserve sovereignty’.<sup>50</sup> Islamic thought and political expression formed a complex foundation from the inception of the Ottoman principality that emerged in Eastern Anatolia as a provincial power, up until the collapse of the *devlet* in 1922. Islam remained integral to Ottoman political, religious and intellectual discourse. Historiography of the Ottoman *devlet* regarding the so-called long nineteenth century<sup>51</sup> presented a narrative of the Ottoman transformation from the perspective of the rise in influence of Western secularism and scientific progression which ‘inherently’ led to the weakening of Islam and its actors. It was presented that religions in both social and political life had been in a state of steady decline by the time the Ottoman state ultimately collapsed in 1922, justifying the formations of the new nation-states as successor states due to the consequence of the modernising world. Narratives by historians regarding the early twentieth century were written in a teleological fashion, which drew on this

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<sup>49</sup> While it is assumed that the call for unity is a modern one, the ideal of unity has been expressed by Muslims from the inception of Islam. See Aydin for the idea of Muslim unity being a modern construction. Aydin, *The Idea of the Muslim World: A Global Intellectual History*.

<sup>50</sup> Hasan Kayalı and A. Kevin Reinhart, “Studies in Late Ottoman Islam,” *Archivum Ottomanicum*, no. 19 (2011) pp193-196 .

<sup>51</sup> The term ‘long nineteenth century’ was coined by Eric Hobsbawm in E. J. Hobsbawm, *The Age of Revolution : Europe 1789-1848* (London : Abacus, 1977).

historiographical account by attempting to establish an argument that religions had been in regression due to the impact of the secular West's superiority (modernity), in particular since the influence of European Enlightenment, the French Revolution and its ideas. It was thus presented that the Ottoman *devlet*, unable to withstand the impact of the West's hegemony progressively embraced the modes of 'modernity' which led to an increased 'Secularisation' that inevitably led to 'Westernisation' and the weakening of Islam in all forms of life, which successively led to the 'anticipated' establishment of the secular nation-states.<sup>52</sup>

On closer inspection these narratives were not simply limited to the Ottoman *devlet*, as global history was presented in a uniform fashion where the nineteenth century came to be represented as one in which worldwide; religion, its actors, and institutions were under assault from the inevitable storm of the global wave of 'progression' driven by modernity. However, more recent scholarship has gradually attempted to present a rather complex picture, starting to question these much-ingrained assumptions. Sociologist José Casanova, in his study on the global revitalisation of religion in the twentieth century explained, religion is likely to continue to play an important public role in the on-going construction of the modern world. He continued by suggesting that it is important to examine the relationship between religion and modernity and thus begs the question if these points can be addressed to the nineteenth century also.<sup>53</sup> It has alternatively been recently argued in relation to the nineteenth century that – at least in the social sphere - religion and the authorities of religion were in fact not in decline, but instead, religion and those who represented themselves as authorities, were further sought.<sup>54</sup> Religious actors and society on occasions responded to the challenges of modernity multifariously and more often religious actors were learning to comprehend the modes of the 'modern' in indigenous ways even as the world order was transforming. One could even argue that religious empires by and large had managed to both resist and embrace modes of

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<sup>52</sup> Nurullah Ardic, *Islam and the Politics of Secularism: The Caliphate and Middle Eastern Modernization in the Early 20th Century*, SOAS/Routledge Studies on the Middle East; (London [etc.]: Routledge, 2012); Berkes, *The Development of Secularism in Turkey*, 1998; Lewis, *The Emergence of Modern Turkey*; Stanford J. Shaw, *History of the Ottoman Empire and Modern Turkey / the Rise of Modern Turkey, 1808-1975* (Cambridge: CUP, 1977).

<sup>53</sup> José Casanova, *Public Religions in the Modern World* (Chicago; London: University of Chicago Press, 1994).p6.

<sup>54</sup> For a perspective from 'Global History' see C. A. Bayly, *The Birth of the Modern World, 1780-1914: Global Connections and Comparisons*, The Blackwell History of the World (Malden, MA: Blackwell Pub., 2004). For a recent study on the Ottoman Empire see Anscombe, *State, Faith, and Nation in Ottoman and Post-Ottoman Lands*.

modernity on their own terms and it was not until the culmination of the First Great War when many of the world's religious empires succumbed to the impact of the devastation, that the emerging new nation-states adopted the ways of the victors, thus the modern state and its system of secularism.

It must also be worth asking how the Muslim world perceived itself and Islam and whether qualifying Islam as a religion within the modern secular context has been to the detriment in understanding the complexities of Muslim political and transcendent configurations that incidentally reduced the understanding of Islam in the Ottoman world. I make special attention to the ideas of the anthropologist Talal Asad who argues that in understanding Islam as a *religion* is to represent European notions of Islam, which neither has the same configuration nor historical reality. This thus places the history of Islam, the Muslim world and the Ottomans once again within the purview of Western conceptions of what Islam was, is and ought to be.<sup>55</sup> Islam as a theist worldview intrinsic within a political system from its inception means that to view Islam, even in the late Ottoman *devlet* within a paradigm of Western notions of the world is to some degree skew state and religious relationships instead reflecting similarities with European counterparts. There is no doubting that this argument can also be presented regarding other religious systems, especially early-modern Christianity, Confucianism and so forth. It thus could be agreed upon as S. Parvez Mansoor has argued that it is in fact the “secularised consciousness” of the modern citizen who continues to view the past through the lens of his/her own current worldview rather than the worldview of the time.<sup>56</sup>

If one takes the premise that religious authority was further sought, a natural assumption would be to re-investigate the ‘decline paradigm’ regarding the ulema’s authority. As ‘*din ü devlet*’ (religion and state) were perceived as inseparable, by examining the challenges to political Ottoman authority we naturally require investigating the role of religious actors (ulema) and the reasoning behind their decision-making. This would include the changing circumstances and new challenges that penetrated Ottoman officialdom. If we are to assume, as the global historian

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<sup>55</sup> Anjum, “Islam as a Discursive Tradition: Talal Asad and His Interlocutors”; Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity*, Cultural Memory in the Present. (Stanford, Calif.: Stanford University Press, 2003). Also one may also examine the ideas of Salman Sayyid in which he argues the need to give Islam a proper name where the act of naming is the exercise of history making See in Salman Sayyid, *Recalling the Caliphate: Decolonisation and World Order* (Hurst & Co., 2014). pp1-17

<sup>56</sup> S.Parvez Manzoor, " Studying Islam Academically" in *How We Know: Ilm and the Revival of Knowledge*, ed. Ziauddin Sardar (London: Grey Seal Books, 1991).pp40-45

Christian Bayly points out, that there was indeed an increase in religious authority in relation to the social sphere from the nineteenth century onwards, it is then worth asking whether this had any impact on the role of religion in the political sphere. Bayly stops short of asserting this; however his assessment is thorough regarding the Muslim world. He asserts the commonalities between Muslim societies and their reliance on religious actors. But while Bayly has done great service in providing this alternate view, what he failed to do was examine the Ottoman domains in any great detail, often making assumptions that experiences, in say Muslim India under British occupation could be reflective of Ottoman experiences who were autonomous from British rule. While the ulema lost much authority in occupied territories, the Ottoman domains in this matter was indeed distinct. The Ottoman case is truly distinctive from the Muslim world in aspects of political matters, firstly because the Ottoman *devlet* was a Caliphate, therefore attached to an Islamic political tradition and secondly the ulema were contesting a Muslim central government not a Western occupying force.<sup>57</sup> This suggests that the religious actors in the Ottoman *devlet* were far able than religious actors outside the *devlet* to negotiate with ‘modernity’ on their own terms.

Nonetheless, I have taken Bayly’s basic premise of the central role of religion regarding global history and have applied this framework within the Ottoman context. Bayly’s main thesis argument of the importance of religion in many ways resonates with the late Ottoman experience as has been also shown by Ottoman historians Butrus Abu-Manneh and Fredrick Anescombe.<sup>58</sup> I would argue that the increased role of religious actors in the social sphere naturally commanded an increased role in the political. So intertwined were the two that to make distinction is somehow one-dimensional. This more nuanced examination pointed to the idea that it was no fore gone conclusion that religion was in decline or that if the religious empires had survived the war, that religion would have been as heavily state regulated or delimited in the fashion the nation-states have done.

In the case of the Ottoman *devlet* the introduction of new technologies, such as military weapons, the printing press technology, the telegram, steam ships and

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<sup>57</sup> It can be argued that parts of the Ottoman domains were under colonial occupation, such as Egypt, Tunisia and unique influence in the Lebanon.

<sup>58</sup> Butrus Abu-Manneh, “The Islamic Roots of the Gülhane Rescript,” *Die Welt Des Islams* 34, no. 2 (1994): 173-203; Butrus Abu-Manneh, “Two Concepts of State in the Tanzimat Period: The Hatt-I Şerif of Gülhane and the Hatt-I Hümayun,” ed. Kate Fleet, *Turkish Historical Review- Brill* 6, no. 2 (2015); Anscombe, *State, Faith, and Nation in Ottoman and Post-Ottoman Lands*.

trains were presented as exclusive attributes of the modernising world in which the Ottoman world was haplessly lagging behind. ‘Progress’ was presented from the prism of scientific advancement, and dichotomous relationships were assumed between scientific and technological advancement on the one hand, and religion on the other. More notably were the presentations of the ideas of the French Revolution, which reflected an assumption that slogans such as ‘*Freedom, Liberty, Equality, and Fraternity*’ were exclusive markers of Enlightenment idealism devoid of any religious influence. These characterisations, however, succumb to nationalist’s accounts which unwittingly restrict their influence to their respective nation-state, whereby their ‘translocal’ character become neglected. It thus must be stressed terms such as ‘*serbesti*’ and ‘*hürriyet*’, translated as ‘freedom’, may have had inherent indigenous meanings that may not have equated to the equivalent European conception of political freedom.<sup>59</sup>

Additionally, in regards to executive authority, the introduction of constitutional discourse in the non-Western world, especially the Ottoman *devlet* was presented as a foundational establishment towards a democratic political system by some<sup>60</sup> and as a reflection of the secularisation of Islamic political structures.<sup>61</sup> What was often negated from these rationalisations was that although most democratic systems were indeed constitutional, not all constitutional systems required being democratic or needed to lead towards a democratic form of governance.<sup>62</sup> Therefore suggesting the notion of whether non-Western societies actually sought democratic

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<sup>59</sup> This shall be explained in detail in Chapter 3 for an alternative viewpoint Talal Asad has presented a complex explanation that the idea of ‘political freedom’ is in fact an invention of the modern West and then imposed by imperial force and colonial power on non-Western societies. Suggesting political freedom is in fact an ideological tool of state power. Asad, *Formations of the Secular*. Wael Hallaq argues that language and words have an ideological meaning to them and are tools. He continues to stress that there is no such thing as innocent language, every word is ideologically driven and have established subjective meanings. They are driven by particular questions with particular assumptions. For Hallaq there is no question that the question has not been asked without the answer already being established. See in Wael B. Hallaq, *The Impossible State : Islam, Politics, and Modernity’s Moral Predicament* (New York [N.Y.] : Columbia University Press, 2013). On the compatibility of Islam and freedom Michael Cook argues that they are in fact incompatible. See Michael Cook, “Is Political Freedom an Islamic Value?,” in *Freedom and the Construction of Europe*, ed. Quentin Skinner, vol. II (Cambridge University Press, n.d.), pp283–310.

<sup>60</sup> Robert Devereux, *The First Ottoman Constitutional Period : A Study of the Midhat Constitution and Parliament*, Studies in Historical and Political Science (Johns Hopkins University) (Baltimore : Johns Hopkins Press, 1963); Christoph Herzog and Malek Sharif, eds., *The First Ottoman Experiment in Democracy*, Istanbul Texts and Studies, Bd. 18 (Würzburg: Ergon in Kommission, 2010).

<sup>61</sup> Nurullah Ardiç, “Islam, Modernity and the 1876 Constitution,” ed. Malek Sharif and Christoph Herzog, *The First Ottoman Experiment in Democracy*, 2010.

<sup>62</sup> Nathan J. Brown, *Constitutions in a Nonconstitutional World : Arab Basic Laws and the Prospects for Accountable Government*, SUNY Series in Middle Eastern Studies (Albany, NY : State University of New York Press, 2002). p9.

governance at all.<sup>63</sup> The Ottoman *devlet*, Iran and Russia respectively indulged in the merits of constitutional governance in variation, within the prism of their religious ideologies as shall be discussed in the Ottoman case in this dissertation.<sup>64</sup> What is worth of note is the increased level of internal ideological connectivity that increased in this period where Muslim ideas regarding governance closely resembled one another more so than Western.<sup>65</sup> It must be stressed that this is not to say that the Ottoman *devlet* or Muslim world did not learn from the West or feel the need to be part of it, our contention here is with the one-sided historiography.

The printing press had created a greater connectivity to various parts of the world. The improved transportation services permitted many to travel freely, especially on the hajj and other pilgrimages. Students and scholars too had greater access to reading material as well as mobility. Technology was not weakening the Muslim world but connecting it, providing an even greater realisation of belonging to the fraternity of ‘*ummah*’. If the idea of *ummah* was in fact simply an ‘imagined’ abstract ideal, from the nineteenth century onwards this ideal started to become a perceived reality in the minds of Muslim thinker and layman. It is worth further investigating whether the Ottoman Muslim experience resonated the same experiences from the ‘print capitalism’ culture to establish newer national identities, or were these new mediums consolidating older identities.<sup>66</sup> Opportunities of new forms of intellectual connectivity and opposition increased owing to the greater association between Muslim thinkers and peoples due to the technological openings of the print culture, telegram and improved transportation means.<sup>67</sup>

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<sup>63</sup> For an argument on this subject see Sayyid, *Recalling the Caliphate: Decolonisation and World Order*.

<sup>64</sup> Mangol Bayat, *Iran's First Revolution : Shi'ism and the Constitutional Revolution of 1905-1909*, Studies in Middle Eastern History (New York : Oxford U.P., 1991); Yitzhak Nakash, *The Shi'is of Iraq : With a New Introduction by the Author /*, 2nd ed. (Princeton, N.J. : Princeton University Press, 2003); Stefen Reichmuth, “The Arabo-Islamic Constitutional Thought at 1907 – ‘Abd Al Karim Murad (d 1926) and His Draft Constitution of Morocco,” in *Intellectuals in the Modern Islamic World – Transmission, Transformation and Communication*, ed. Stephane Dudoignon, Hisao Komatsu, and Yasushi Kosugi (Routledge, 2006); James H. Meyer, *Turks across Empires : Marketing Muslim Identity in the -Ottoman Borderlands, 1856-1914*, Oxford Studies in Modern European History (Oxford : Oxford University Press, 2014).

<sup>65</sup> It should be stressed that this was not simply the case of Muslim discourse. Non-Muslims within the Muslim world too increased their level of connectivity often critiquing the Wests’ colonial designs for the region. At times both Muslim and non-Muslim in the Ottoman Empire shared positions against the ever-increasing encroachment of the Western world.

<sup>66</sup> Benedict Anderson, *Imagined Communities : Reflections on the Origin and Spread of Nationalism*, Rev. ed. (London ; New York ; Verso, 2006).

<sup>67</sup> Aydin, *The Idea of the Muslim World: A Global Intellectual History*.



Contemporary Muslim works are starting to present the argument that Islam and *Meşrutiyet* (literally meaning conditional but came to mean constitutional) are in fact compatible, and sight ideas such as *Şura* (Consultation) as a foundation of ideal Islamic governance, thus pointing to the possibility of Islam inherently containing democratic values.<sup>68</sup> But this is too often presented from the normative position that Islamic constitutional discourse requires resemblance to progressive Western democratic states.<sup>69</sup> Our contention is not with this argument, but rather the question, is this in fact how the Ottoman Muslim theorists and state were thinking? And if Ottoman attempts towards constitutionalism were in fact part of the secularisation narrative. Even now, modern writers on Islamic constitutional theory have chosen to ignore or atleast diminish by knowledge or by unfamiliarity the Ottoman experience, and chosen to instead focus on the ideas of the medieval scholars of Islam and their ideals of an abstract moral constitutional government.<sup>70</sup> The Ottoman case is somewhat perceived – one assumes – as a failure, and ‘Western’ orientated to derive merit or investigation. If Wael Hallaq’s work of the incompatibility between the modern state and a modern Islamic state render it impossible<sup>71</sup>, thus tracing this schism into the ‘modern’ Ottoman Period. Is it fair to equate a religious empire such as the Ottoman *devlet*’s interaction with the modern as an example of this so-called failure? It is my view that the theory of modernity in contrast with the nature of the multi-ethnic religious empire still requires much academic critique.

It is worth making the argument that there has often been an inability to make distinction in academic works between the acceptability of borrowing from the West and ‘insecure’ blind imitation. There is no doubting that history writing is a political exercise and debates still continue and will continue to try to determine what is deemed Islamic and what is not. In that sense making distinction between the Islamic and Islamicate has starting to help frame the notion of borrowing and influence

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<sup>68</sup> S.Parvez Manzoor, “The Future of Muslim Politics - Critique of the ‘Fundamentalist’ Theory of the Islamic State,” *Futures*, 1991, 289–301.

<sup>69</sup> Khaled Abou El Fadl, *Islam and the Challenge of Democracy* (Princeton, N.J. ; Oxford : Princeton University Press, 2004).

<sup>70</sup> Patricia Crone, *God’s Rule : Government and Islam* (New York : Columbia University Press, 2004); Wael Hallaq, “Qur’ ānic Constitutionalism and Moral Governmentality: Further Notes on the Founding Principles of Islamic Society and Polity,” *Comparative Islamic Studies* VOL 8, no. 1–2 (2012). Hallaq’s central argument his point is to explain how the Quran laid the foundations for three constitutive features of the Shari’a, namely 1. Its constitutional organization and practice of the rule of law; 2. Its landmark features of jurists law and ijthādic apparatus; and 3. Its moral governmentality. p1.

<sup>71</sup> Hallaq, *The Impossible State*.

regarding Muslim societies.<sup>72</sup> In regards to the Ottoman *devlet* the response of Muslim thinkers and Ottoman thinkers varied. Whereas some thinkers chose to entertain the endeavour of what could be or should be borrowed from the West, others positioned themselves to outright reject anything resembling Western. Muslim opinion was never hegemonic; such is the nature of pluralistic societies such as the Ottoman *devlet*. Debates at times were fierce, at times acts of violence occurred, as Islam was not only the state religion but also the rallying slogan of oppositional agents. Such was the multiplicity of actors of religion that no single person, office or institution could monopolise Islam or stake claim that they owned it – even though many did indeed try. The state's policies were also neither linear nor homogenous. Changing circumstances meant that the state often acted organically and accordingly to the situation. At times the intention of the state was indeed sincere but the outcome flawed thus receiving a visceral response from the Muslim population. Islam and politics then should not be viewed in the same vain as matters to do with worship. The multifaceted interplay between the Sharia, jurisprudence, state, society, emotion, ideal and reality drew up a complex cocktail of probabilities that were possible to anticipate but never with any real certainty. The political was state and society interaction, in which Islam was the glue, but conflicting interpretations were probable, such is the case in the world of politics.

I would stress that rather than assuming that religious-political transformations lent towards the secular, religious transformation to an alternative political order was not necessarily a betrayal of religious tradition and a directive towards the secular, but simply a formative restructuring.<sup>73</sup> This leads to whether religious empires and tradition were/are capable in developing a transformative constituent and whether its espousal of aspects of the modern is not a perfidy or capitulation to a dominant West but rather a reflection of its ability to attempt to compete with the West and distinguish between aspects that are in line with its tradition and the rejection of those that are not. This would lead us to deliberate the point of contention whether the modern and religion have to be in a continual state of conflict and whether in the Ottoman case borrowings need to be placed within the dichotomy of 'modernity' vs. 'tradition'.

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<sup>72</sup> Shahab Ahmed, *What Is Islam? : The Importance of Being Islamic* (Princeton : Princeton University Press, 2016).pp5-113

<sup>73</sup> Asad, *Formations of the Secular*. pp181-192.

A final point on this matter is regarding the actual role of politics and Islam. Some writers recognised the increased ‘use’ of religious language and symbolism<sup>74</sup> by the Ottoman authority and suggested that this was somehow to be understood as a cosmetic window dressing<sup>75</sup> or even further an attempt at the ‘politicisation of Islam’.<sup>76</sup> This narrative rather showed a strange paradox that on the one hand religious actors were losing their influence but at the same time the state increased its use of religious symbolism and rhetoric as an act of desperation. What it does is make distinction between state and society regarding its internalisation of religion, by placing the state as a facilitator of using religion and the masses as docile emotional followers. I would stress as Benjamin Fortna has done that one needs to be careful in assuming that religion was simply being used as an instrumental tool by those in authority.<sup>77</sup> Emotions and symbols are in fact markers of religious societies, as symbolism is an outwardly expression of religion in society. The interplay with religion, state and Muslim society cannot be explained here but this relationship of negotiation is worth of note when reading this dissertation. This also points to the continued narrative that the ulema were simply bystanders to the changes taking place, and when they were involved it was simply to rubber stamp the state’s position.

### **Revolution, Re-instatement and in Search of Renewal – The Relationship between the Revolution and Constitution**

The Ottoman *devlet* in its long history had witnessed mutinies, revolts, Janissary rebellions, and strong *ayan* who supported or opposed Sultans as a way of appropriating power. However, 1908/1326 was the first time that the Ottoman centre witnessed a rebellion in the guise of a revolution (*inkılâp*) to re-instate the constitution of 1876/1293.<sup>78</sup> Revolutionary activity is possible to find in narratives

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<sup>74</sup> Selim Deringil, *The Well-Protected Domains : Ideology and the Legitimation of Power in the Ottoman Empire 1876-1909* (London : I. B. Tauris, 1998).

<sup>75</sup> Hanioglu, *A Brief History of the Late Ottoman Empire*, 2008. pp61, 92, 129-130.

<sup>76</sup> Kemal H. Karpat, *The Politicization of Islam : Reconstructing Identity, State, Faith, and Community in the Late Ottoman State* /, Studies in Middle Eastern History (New York : Oxford University Press, 2002).

<sup>77</sup> Fortna, *Imperial Classroom*. pp1-11 Benjamin C. Fortna, “Islamic Morality in Late Ottoman ‘Secular’ Schools,” *International Journal of Middle East Studies* 32, no. 3 (2000) p370.

<sup>78</sup> The Urabi ‘uprising’ or Urabi revolution (*al-thawra al-‘arabiya*) in Egypt from 1879-1882/1296-1299 was initiated to depose the Khedive of Egypt and remove British and French influence. Ulema

within Islamic history prior to the nineteenth century, and more so in Ottoman history, however, by the end of the nineteenth and early twentieth, revolutionary movements in support of constitutionalism had become a unique feature of this period in the Muslim world.<sup>79</sup> The Revolution of 1908/1326 is of particular interest as it was presented in the historiography as a move for progression reflecting the French Revolutionary ideals. The role of Islam in the Revolution in 1908/1326 was perceived as secondary and the role of the ulema even more so. Ulema activity was perceived as responsive only once the revolution had succeeded, but very little has been written of the ulema support of constitutionalism.<sup>80</sup> In April 1909, when disobedient forces threatened the newly established constitutional regime known as the Counter-revolution, the protagonists were presented as religious reactionaries to the progressive revolution of 1908/1326. Thus, the Revolution of 1908/1326, with the slogans *hürriyet, müsavat ve uhuvet* (freedom, equity and fraternity) was presented as the revolution for progressive change (modernity) whereas the failed Counter-revolution attempt as the binary opposite, a reaction by religious forces in the name of the Sharia. This narrative placed the ulema firmly outside the activities of the Constitutional Revolution, and equally in the place of reaction and more importantly against constitutional discourse. However, as will be shown ulema activity was indeed integral for the success of the Constitutional Revolution of 1908/1326 added to that the consolidation of constitutionalism in the Ottoman *devlet* or the transregional Islamic world would not have been possible without the ulema.

More importantly, from the early twentieth century constitutional movements and governance became a global phenomena where political polities instituted constitutional systems.<sup>81</sup> The Ottoman *devlet*, had a long-standing tradition in

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attitudes were divided regarding the support, where it has been presented that higher ulema did not support the move but lower did. Historians are divided whether the act was a revolt or revolution. With some saying it resembled the ideals of the French Revolution and others simply calling it a revolt or mutiny. The incident however is of interest as it begs the question if these narratives are reflective of the incident and whether the same assumptions were made of the ulema and revolution during the Ottoman constitutional revolution of 1908/1326. This was also at a time when the Egyptians implemented a constitution in 1882/1296 which was partly formed due to the pressure of the elected assembly.

<sup>79</sup> Nader Sohrabi, "Global Waves, Local Actors: What the Young Turks Knew about Other Revolutions and Why It Mattered," *Comparative Studies in Society and History* 44, no. 01 (January 2002) pp45–79.

<sup>80</sup> This absence can be seen in the works of Amit Bein. Bein, *Ottoman Ulema, Turkish Republic*. However, recently Susan Gunasti has attempted to address this. Susan Gunasti, "The Late Ottoman Ulema's Constitutionalism," *Brill - Islamic Law and Society*, no. 23 (2016).

<sup>81</sup> Nathan J. Brown, *Constitutionalism and Political Reconstruction*, International Comparative Social Studies; (Leiden, The Netherlands; Boston, MA: Brill, 2007); Brown, *Constitutions in a Nonconstitutional World*.

practicing constitutional traditions<sup>82</sup>, Wael Hallaq has argued that in Muslim polities in the past the Quran was the primary source of constitutional practice.<sup>83</sup> Medieval Islamic political theory too has a long tradition of constitutional practice as an Islamic ideal, yet it wasn't until 1876/1293 that the Ottoman *devlet* implemented a 'modern' constitutional governmental system, with a written constitution and parliament. However, the Ottoman experiment of 1876/1293 was not the first endeavour of constitutionalism in the Muslim world as constitutionalism was first implemented in Tunisia in 1861/1278. Although the Tunisian case was also short lived, it reflected the trend in the Muslim and wider Ottoman world of constitutional politics. Although beyond the scope of this dissertation, it is worth noting how in the early nineteenth century in the Ottoman world, revolutionary activity as a way of renewing the ideal political practice as constitutional politics was gradually becoming the main political discourse for all peoples. By the twentieth century, Iran, Russia, Morocco, Egypt, Pakistan, Afghanistan and Tunisia along with the Ottoman *devlet* had experimented with applying some form of constitutional governance along the precepts of Islam.

### **The Ulema- From the World of Tradition and into the Modern Period**

There is a sense of exclusivity regarding the ulema as a group of religious scholars of Islam. They belong to a tradition of religious learning that marked them as a distinct group from any other form of religious community of learning.<sup>84</sup> As Ovamir Anjum explains the ulema perceived themselves as the "heirs to the prophets" – were, first and foremost, jurists (*fuqahā*'), practitioners of a growing body of *fiqh* and the sole guardians of the *Shariah*.....They were jurists, concerned with standardizing and formalizing the law as their principle obligation. Islam had now become primarily encoded in the law that they interpreted".<sup>85</sup> Thus, solidifying their role as traditional 'guardians of the faith'.

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<sup>82</sup> Hüseyin Yılmaz, "Containing Sultanlic Authority: Constitutionalism in the Ottoman Empire before Modernity," *Osmanlı Araştırmaları / The Journal of Ottoman Studies*, no. XLV (2015) pp231–64.

<sup>83</sup> Hallaq, "Qurānic Constitutionalism and Moral Governmentality: Further Notes on the Founding Principles of Islamic Society and Polity."

<sup>84</sup> The distinction here is to highlight that comparisons of the ulema to the Christian clergy or any other religious 'priestly' community are hard to make. Also, including the Muslim societies where the ulema were also distinct from Muslim thinkers and intellectuals.

<sup>85</sup> Ovamir Anjum, *Politics, Law and Community in Islamic Thought: The Taymiyyan Moment* /, Cambridge Studies in Islamic Civilization. (Cambridge ; New York : Cambridge University Press, 2012), pp3-4.

There is unanimity within academia that the ulema were not and still are not a homogenous group. Although it is worth noting that the ulema are not a monolithic block, thus difference of opinion, interests and culture existed and continue to exist, nonetheless there is no doubting that the ulema class are a group of some form albeit a fluid one. The belonging to this community was based on a tradition of learning which meant that in order to become an affiliate one had to have been endorsed by one from the community either by accreditation or declaration. But the ulema were quick to recognise that they were neither a hierarchical class, nor a clergy. As Muslim societies transformed and developed, so did the role of the ulema. The ulema who later became an institutionalised entity consolidated within Muslim tradition, reflected the diversity of the community they served (*ummah*) and ideas that they propagated. Their role as agents of religious learning and interpretation established the ulema as a 'mediatory group' between community and religion. With government also acquiring its authority and legitimacy from Islam, the ulema not only mediated between Islam and community or Islam and state but also between the state and community. As a result, the ulema became involved in matters to do with power, as resisters, critics, advisors, collaborators and exploiters.<sup>86</sup> Wael Hallaq continues by including the ulema's authority as jurists by adding:

The jurists and those whom they trained and, in one way or another, supervised were also the custodians of Muslim societies. They were the spiritual and practical guides of the umma (the Muslim community); they controlled the entire infra- and super-structures of legal education; they ran what we might term municipal affairs. They collected taxes and improved public works; supervised the affairs of the market-place and controlled and ran charitable foundations, the very foundations of their professional existence; and they functioned, inter alia, as guardians of orphans and other unprivileged social groups, administering their financial and other affairs.' The legal profession, with the jurists at its head, was therefore at once a religious, moral, social, and legal force. It is difficult to conceive of, much less write, the social, cultural and legal history of the Muslim world without due attention to the central role the legists played in it. In fact, there is little Islamic history to be written without Islam's legal profession and its contributions to its own civilization.<sup>87</sup>

In order to apply pressure the ulema used various techniques, such as *fetvas*<sup>88</sup>,

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<sup>86</sup> Ovamir Anjum, *Politics, Law and Community in Islamic Thought* p7.

<sup>87</sup> Wael B. Hallaq, "Juristic Authority vs State Power: The Legal Crises in Modern Islam," *Journal of Law and Religion* 19, no. 2 (2004 2003).p246.

<sup>88</sup> A *fetva* is a religious opinion provided by a mufti on any matter. In regards to the Caliph, the Ottoman *devlet* often used a state fetva to depose a Sultan called a Hal'(deposement) fetva which would be said as hal fetvası. A detailed explanation can be found in Jakob Scovgaard-Peterson, "A

protestations, and sermons in mosques, but they also gave council both to state and society. A significant device of authority exercised by the ulema was when they operated reciprocally as a consensus (*ijmā*) group.<sup>89</sup> Ulema consensus was an essential ideal in Muslim society for concepts to be embraced into Muslim tradition. Although individual *ālīms* could command authority based on their knowledge of religion, prestige in Muslim society or position in the learned hierarchy, nonetheless consensus indicated confirmed agreement thus *ijmā* became an institutionalised practice. In particular ulema consensus regarding politics and constitutional theory was genuinely dependent – although not exclusively – on consensus activity. In this sense, by the nineteenth century consensus decision-making was not only integral for the ulema, but became a political practice of administration in the Ottoman *devlet* that gradually led to Ottoman Parliament as the main arena for consensus activity.

Scholars of Islamic studies and Ottoman studies have continued to attempt to categorise the ulema within the frameworks of their respective disciplines. As a result, the categorisation of who or what constitutes a member of the ulema class has often led - although not contradictory - conflicting assessments. In the Ottoman case, most academics attempted to frame the ulema within the framework of belonging to the Ottoman *ilmiye* system, and thus provided an official framework for the identification of the ulema network. In settings away from the imperial centre, especially the Arab provinces where the *ilmiye* was a moderately decentralised structure, the ulema were presented as a social group or as David Commins has defined as a ‘status group’, where specific social practices, clothing, prestige within society and inter-marriage networks qualified ulema distinction from the Muslim community.<sup>90</sup> The status of the Sunni ulema always has been acquired through a process of reputation building rather than strictly institutional arrangements. The ulema in this sense are portrayed as a distinct group from mainstream Muslim society, but once again their portrayal as an intellectual group has rather been minimised. But while academics have continued to stress what constitutes belonging to the ulema class it is Muhammad Qasim Zaman who has accurately pointed out ‘it is a combination of this intellectual formation, their vocation, and crucially, their

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Typology of State Muftis,” in *Islamic Law and the Challenges of Modernity*, ed. Yvonne Haddad and Barbara Stowasser (New York: Altamira Press, 2004).

<sup>89</sup> In this thesis I describe the ulema as a consensus community not simply regarding the adoption of matters to do with jurisprudential community (*ijmā al-ulema*), but more so as a social and intellectual group in Muslim society.

<sup>90</sup> David Dean Commins, *Islamic Reform : Politics and Social Change in Late Ottoman Syria*, Studies in Middle Eastern History (New York ; Oxford : Oxford University Press, 1990).p7.

orientation viz., a certain sense of continuity with the Islamic tradition, that defines the ulema as ulema'.<sup>91</sup>

While not disagreeing with the basis of the definitions described, I shall add by arguing the importance of the ulema being a consensus group and a mediatory one. This doesn't negate from saying that the ulema were not part of the *ilmiye* structure, nor that they did attempt to accomplish distinctive treatment as a status group, but it is worth examining the ulema as an intellectual and political group whose input in matters to do with Islamic transformation and interaction, whether that be legal, doctrinal, political or social, is not only important but integral to transformation in Muslim societies. The ulema's agency came from the fact that their ideas, whichever end of the intellectual spectrum they belonged to, were considered and shaped Islamic discursive tradition.<sup>92</sup> I am not simply restricting their ideas to law or jurisprudence, but rather general conversations in the public domain in Muslim societal and state formations, and it is this case with the re-introduction of the constitution in 1908/1326, how their consensus as a group was not only integral to the adoption of constitutional discourse but as mediators they managed to facilitate the implementation of the new political order as well as uphold stability in moments of crises between state and society during the Revolution of 1908/1326 and Counter-revolution attempt in 1909/1327.

The range of ulema authority intensified during the revolutionary period where the ulema in opposition, as state actor, as non-state actor, as activist, as religious figure, social figure, political figure, journalist, intellectual and parliamentarian were all visible regarding ulema identity. Whereas throughout Islamic history the ulema have been characterised as quietists, apolitical and compromising towards authoritarianism this attitude both in theory and practice is not reflective in the ulema's intellectual ideas and conduct during the late Ottoman period. It seems evident that the ulema in 1908/1326 neither personified the romantic ideal of living a life above the intrigue of power, nor did they lack moral courage to criticize the Ottoman Sultan.<sup>93</sup> Ulema interaction and involvement with authority had become inherent in Ottoman political statecraft. In this brief moment in Ottoman history the ulema were further consolidated in Ottoman political life rather than

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<sup>91</sup> Zaman, *The Ulama in Contemporary Islam Custodians of Change*. p10.

<sup>92</sup> Anjum, "Islam as a Discursive Tradition: Talal Asad and His Interlocutors." pp661-667.

<sup>93</sup> Kara, "Turban and Fez: Ulema as Opposition." p185



diminished. Also, during this period the Caliphate as an idea and established Islamic institution would further evolve as a new tradition in Islamic political thought was introduced or re-appropriated - constitutionalism.<sup>96</sup> With the introduction of constitutional discourse historians argued about the ulema facilitating the secularisation of the Caliphate's authority. The notion that Ottoman society had become secularised and laws and action were taken from alternative sources and not Islam is prevalent in Ottoman history, although this has now been challenged. Furthermore many historians argued that stressing on the Caliph as an executive authority and introduction of parliament as a representative governing structure diminished the authority of the Sultan as Caliph thus weakened it by separating responsibilities and secularising the political order. However, I will attempt to argue that ulema ideas and activity rather point to restraining absolute political power and attempting to create a political structure based on conditions that had precedence in Islamic history and more importantly tradition.<sup>97</sup>

## **The Chapters**

The main objective of the dissertation is to examine how the ulema were still important during the late Ottoman *devlet*. In particular during the period of which much literature has pointed to otherwise, focusing on the secular proclivities of the Young Turks. This dissertation will thus focus on two key moments in the Second Constitutional Period, which is the revolutionary-phase of the Revolution of 1908/1326 and so-called Counter-revolution of 1909/1327. Each chapter begins with a background explanation of key themes and ideas and then attempts to address historical examples. But it must be stressed that there is no intention to over play the importance of the ulema at the detriment of the other key actors such as the Sultan or Young Turks. The emphasis on the ulema is simply to place them in the large corpus of work that focuses solely on the Young Turks, thus relegating the ulema as insignificant, which from this research feels far from what has been discovered. By placing the ulema as the central characters of the narrative it may seem that the other actors are being relegated as being of lesser importance. However, as mentioned there

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<sup>96</sup> Kara, "Turban and Fez: Ulema as Opposition."p185.

<sup>97</sup> Anjum, *Politics, Law and Community in Islamic Thought*. pxiv.

is no need in this dissertation to replicate works on the Young Turks as much literature on the centrality of their role has already, and continues to be produced.

The chapters are written to first establish a premise and then an examination of those points. The chapters are broken down into five main segments. Chapter one of this dissertation explores the historical context of the nineteenth and twentieth centuries as being a period of secularisation. In particular, key milestones within the secularisation narratives shall be examined to determine whether the narratives are indeed reflective of this wideheld assumption that is consolidated much in Ottoman History. This is important because it is only once the historical context is established can one fairly place the ulema's ideas and activities into context during the revolutionary phase and constitutionalism. Chapter two shall examine the role of the ulema in the Constitutional Revolution and linking how ulema actions during the revolutionary actions of 1908/1326 were as much to do with their historical activities of the late nineteenth century as they were regarding Hamidian rule. Much of the literature presents the ulema as either reactionary or bystanders to the wave of revolutionary activity, it is worth exploring whether this was the case. The chapter will also explore ulema contestations regarding the merits of constitutionalism. Chapter three is to examine the intellectual ideas of the ulema that manifested in 1908/1326 due to the relaxation of the censorship laws after the proclamation of the constitution. It will be explored how the ulema helped to implement the constitution in 1908/1326 and how via the use of their proof pamphlet writing tradition along with their new role as journalists provide an intellectual basis for constitutionalism. The ideas of the ulema shall not be restricted to the imperial centre but also in other provinces to reflect the translocality of ideas and how constitutional discourse was a reflection of ulema thinking in other parts of the Ottoman domains at the time. This chapter shall also discuss ulema attitudes to the slogans that transpired during the constitutional revolution. The forth chapter shall explore how the ulema's visibility increased during the aftermath of the revolution. It presents how the ulema used their traditional spaces such as the mosques and entered the new spaces for visibility such as journalism and parliamentarianism as ulema authority became ever more important during this important phase. And finally chapter five, the final chapter shall reflect on the Counter-revolution of 1909 and examine the ulema's so-called reactionary role.

## **The Sources**

Much of the sources that have been used in this thesis have been based on the ulema's own work and publication during the Constitutional Revolution period. These articles were either written in Arabic or Ottoman Turkish of which many were published in the Ottoman journals that exploded onto the public sphere after the Constitutional Revolution of 1908/1326. While there are indeed limitations on emphasising on the use of journals, the ideas in the journals do provide a valuable source when attempting to understand ulema ideas, as it was a main source used by the ulema after 1908/1326 to attract the largest Muslim readership. Many articles have already been translated into Turkish such as in the case of the works of İsmail Kara and Asım Cüneyd Köksal, and now in English from authors such as Ahmet Şeyhun. While I have used these works, as they are indeed a valuable source, I have also attempted to verify the contents of these works via the originals. Overall however, I have found Kara's contribution to be a thorough and detailed reflection of the ideas of the thinkers and ulema at the time. His contribution to the field is indeed significant. Ottoman archival sources have also been used as well as the host of British archival sources which have been a major source for academics regarding the Constitutional Revolution. Apart from that British newspapers, Ottoman memiors written at the time have also been used. However, due to time restrictions a thorough examination of the Ottoman Archives no doubt would have facilitated this thesis better. Since the completion of this dissertation a host of newer works have also been published in the field that could not be used in this thesis.

# Chapter 1 – The Role of the Ulema Establishing a Discursive Islamicate Constitutionalism

## Historical Context

In order to contextualise the role of the ulema's activity regarding their involvement in constitutional politics during the late Hamidian period, it is worth examining the historical circumstances of their reasoning regarding the role of Islam in Ottoman politics in the late nineteenth century and then placing the ulema's position vis-à-vis Islam within the state transformation process. In particular in order to place the ulema's position regarding the 'Constitutional Revolution' of 1908/1326, their collaboration, participation and theorisation of the constitutional debates, their election to the Ottoman Parliament, as well as their immersion concerning the Counter-revolution or as is known in Turkish as the *31<sup>st</sup> March incident* in 1909/1327<sup>98</sup>, it is also worth noting that ulema interaction with constitutional discourse was not simply a reaction to Sultan Abdülhamid but deeply rooted in nineteenth century political transformation.

The ulema's activity has been framed either a reaction towards Hamidian 'autocracy' or submissive to Young Turk ambitions for political change<sup>99</sup>, but the ulema historically, maintained a dual relationship regarding its role and level of independence in the state apparatus throughout Ottoman history from governance<sup>100</sup>, I would argue this continued even into the Hamidian period and then later in the period of the Committee of Union and Progress (CUP) who were aware of the ulema as a considerable pressure group.<sup>101</sup> Nurullah Ardiç's recent study built on the established premise that both the Ottoman *devlet*'s role towards secularisation, and more significantly the ulema's participation, facilitated a *meta-discursive strategy* towards the secularisation of the Ottoman *devlet* by evoking two *discursive*

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<sup>98</sup> The 31<sup>st</sup> March incident was known in Turkish historiography as the *31 Mart Vakası* or *31 Mart Olayı* or *31 Mart Hadisesi* which was the date in the Rumi calendar which took place on April 13<sup>th</sup> in the Gregorian calendar.

<sup>99</sup> Lewis, *The Emergence of Modern Turkey*.; Berkes, *The Development of Secularism in Turkey*, 1998; Shaw, *History of the Ottoman Empire and Modern Turkey / the Rise of Modern Turkey, 1808-1975*.

<sup>100</sup> Yılmaz, "Containing Sultanlic Authority: Constitutionalism in the Ottoman Empire before Modernity." pp233-250. See also Atçıl, *Scholars and Sultans in the Early Modern Ottoman Empire*.

<sup>101</sup> Sultan Abdülhamid II explained his mistrust towards the Meşihat Dairesi (Office of *Sheikh ul-Islamate*) in Tahsin Paşa, *Sultan Abdülhamid : Tahsin Paşa 'nın Yıldız Hatıraları*, 4. baskı (İstanbul : Boğaziçi, 1996). p39.

*strategies*, the first, “invoking sacred Islamic texts”, and the second by “renewing the existing institutions in accordance with the rules of the Sharia”.<sup>102</sup> While a sociological analyses of ideas and not a historical piece of work, Ardıç’s study continues on the idea of reducing the ulema’s agency of independence, similar to the arguments by earlier historians, which requires further scrutiny away from the teleological narratives of decline that have plagued ulema studies of the late Ottoman *devlet*. It is this meta-narrative of presenting secular milestones as victories for the so-called reformist of the state that placed the ulema in a paradigm they could not escape. This position requires some examination in understanding the interspersed relationship between the ‘temporal’ and ‘religious’ in Islamic discourse, especially as the ulema were important interlocutors of both ‘*din* and *devlet*’. Rather than simply alluding that the ulema were compliant or submissive actors to the political changes throughout the nineteenth century, it is first worth examining why the ulema throughout the late nineteenth century continued to support state transformation in the way of constitutional discourse, thus it is also worth examining the arguments of constitutionalism as ‘good’ or ‘ideal’ governance that became the main topic of discussion for all the Muslim thinkers in this period, for the ulema, technocrat and political class.

The ‘constitutional movement’ in the Albanian provinces from where the revolutionary motion began during the late Hamidian period was a response to the rapidly changing conditions in the Balkans and heightened awareness on holding authority to account whether that be local or the imperial centre. Ulema support and responses to this movement were indeed a response to the limiting conditions of censorship and restriction to their authority that the late Hamidian period created, nonetheless, it cannot be also ignored that modern constitutionalism was likewise a natural deliberation as part of an Islamic discursive tradition towards contractual governance and accountable governance in Ottoman Islamic political thought and political traditions from the start of the nineteenth century that placed *adalet/adalah* (justice), *şura/shurā* (council), and *meşveret/mashwara* (consultation)’ as the central principles towards good governance over authoritarianism.<sup>103</sup> On closer inspection this was not simply restricted to Istanbul or the Balkan provinces, Islamic political

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<sup>102</sup> Ardıç, “Islam, Modernity and the 1876 Constitution.” pp89-90.

<sup>103</sup> For traditional Ottoman ideals see the Circle of Justice in Linda T. Darling, *A History of Social Justice and Political Power in the Middle East: The Circle of Justice From Mesopotamia to Globalization*, 1 edition (New York: Routledge, 2012).

thought was reflecting these ideals throughout the networked transregional Muslim world. Thus, rather than facilitating the secular, closer scrutiny points towards the ulema maintaining the Islamicate where the politics drew from Islamic ideals and an emphasis on the law.<sup>104</sup> This was indeed just like at many other moments in Islamic history a dialectic negotiation between abstract ideals and reality. Within Muslim circles the earlier Hamidian period would become an apex of the debates, contestation and negotiation between fundamentally two Islamic political ideals; the first based on a strong Caliph as leader, and the second on placing consultation at the heart of governance. These two ideals both had their roots in Islamicate tradition, especially since the Quran presented no clear indication of a governmental structure, but rather on the establishment of general principals.<sup>105</sup>

While academics have presented the notion that Islam supports a political system based on a strong authoritarian leader, it is also true, as was the case of the Ottoman *devlet*, that Islamic political tradition additionally supported a constitutional tradition of governance with checks and balances to authority, with *şura* (consultation) at the heart of this style of governing.<sup>106</sup> During the Hamidian period three models of Islamic governance came into fruition. During the short experiment in 1876/1293 a parliamentary constitutional monarchist system in which although constitutional, absolute authority was vested in the Sultan. This system placed the Sultan's protection over the constitution and gave him the right to abrogate it. The second resembled what we can deem as authoritarianism, where the constitution was in place nominally but parliament was abolished as emphasis was placed on the Sultan's *mayben* (close aides or advisors), but in which decision-making was solely in the hands of strong religious Caliph.<sup>107</sup> Finally after the Constitutional Revolution of 1908/1326 an inclusive parliamentary constitutional monarchy in which the constitution was consolidated as a requisite for the Caliphate. The Caliph could no longer abrogate the constitution, as he was subservient and accountable to it and parliament was given increased powers to hold the Caliph to account.

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<sup>104</sup> Linda T. Darling, *A History of Social Justice and Political Power in the Middle East: The Circle of Justice From Mesopotamia to Globalization*, 1 edition (New York: Routledge, 2012). Samy Ayoub, "The Mecelle, Sharia, and the Ottoman State: Fashioning and Refashioning of Islamic Law in the Nineteenth and Twentieth Centuries," *Indiana University Press*, January 2016.

<sup>105</sup> Abou El Fadl, *Islam and the Challenge of Democracy*; Muhammad Asad, *The Principles of State and Government in Islam* (Kuala Lumpur: Islamic Book Trust, 1999).

<sup>106</sup> Crone, *God's Rule*.

<sup>107</sup> It really does require some scrutiny however how much decision-making was solely down to the Sultan with interference from the bureaucracy.

As mentioned, the discourse requires examining from the greater narrative of constitutionalism – placing conditions on Caliphal authority - in the nineteenth century and then specifically during the Hamidian period. In this chapter a historical context from the period of Mahmud II (1808/1316) up until the Constitutional Revolution (1908/1326) shall be briefly examined with the ulema's role regarding constitutional discourse in mind. In doing so, it will be shown how ulema dissemination of constitutional politics firstly had a historical precedent of which the ulema had continued to be integral during the long nineteenth century, and secondly ulema contribution till the revolution was proof of the ulema's involvement with Ottoman constitutionalism from the inception of the constitutional debates up until the end of the *devlet*.

## **Mahmud II – The 'Just' Autocrat?**

The Ottoman state-system has often been characterised as a political system that idealised the absolute authority of the Sultan, which lacked intermediary institutions between ruler and subject and limited the formations of appropriate checks and balances on executive authority.<sup>108</sup> Hüseyin Yılmaz argues that the '*Berkasian*'<sup>109</sup> model attributed the beginnings of constitutionalism to nineteenth century modernisation but in fact the Ottomans practiced constitutional traditions prior to the conception of nineteenth century political modernisation.<sup>110</sup> Although Yılmaz's argument of constitutional traditions and checks and balances pre-existing the nineteenth century is a worthy point, nonetheless from the nineteenth century the concept of constitutional discourse can be viewed as a transition from a constitutional tradition to a system moving towards documented constitutionalism which was indeed in line with the new world order of which Şerif Mardin claimed that the

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<sup>108</sup> Yılmaz, "Containing Sultanlic Authority: Constitutionalism in the Ottoman Empire before Modernity." pp232-233. See also Yılmaz, *Caliphate Redefined*.

<sup>109</sup> This term is taken from Niyazi Berkes who was influential in the theory of modernisation of the late Ottoman Empire, in which the modern became synonymous to secular. See in Berkes, *The Development of Secularism in Turkey*, 1998.

<sup>110</sup> We can also see this in the works of early Ottoman and Muslim writers who mention checks on Sultanlic authority such as from writers as the Tunisianālim Ahmad ibn Abi Diyaf, or technocrat Hayrettin el-Tunisi (Khayr addin al Tunisi) or from Young Ottoman thinkers such as Namik Kemal, Ali Suavi and Ziya Pasha who all point to various forms of checks on Sultanlic absolutism prior to the nineteenth century. However, it is worth note that all these writers in the nineteenth century were all part of a worldview that was writing history from the perspective to promote constitutional governance. It is very possible that they may have been taking liberties with history.

constitutionalism of the nineteenth century was within the purview of the Ottoman Empire's "first step towards a centralised modern state".<sup>111</sup> What is significant in this chapter is that constitutionalism from the nineteenth century onwards would become institutionalised as a written document, and parliamentarianism as a concept would gradually become extended to current formulations. The transformation of both concepts in the current form regarding Islamic political discourse have much to do with Ottoman conceptions in the nineteenth century than at any time before.

On July 28<sup>th</sup>, 1808 (Jumada al-Thani, 4<sup>th</sup>, 1223) Mahmud II had become Sultan and Caliph under precarious conditions. After surviving an assassination attempt with the help of the strong *ayan* (magnate) Ālemdar Mustafa Pasha, Mahmud decided to take an unprecedented decision of aggressive state centralisation and social transformation to reform the military and state institutions.<sup>112</sup> But prior to Mahmud's activities the Grand Vizier Bayrakdār Mustafa Pasha convened a meeting in Istanbul in which he invited a number of *ayans* and leaders who enjoyed virtual autonomy in most of the provinces in the Ottoman domains. Most of the *ayan*, the Grand Vizier and *Şeyhülislâm* and the *ağas* of the Janissary all prepared a meeting of a consultative nature in which a proposal was presented on state reform. An agreement was reached in a seven-point document signed by all including a reluctant Sultan titled the *Sened-i İttifak*. The objective was to attain a general consensus that under attack that Sultan would be protected, and nobody would oppose him. Article four recognised the absolute vicegerency of the Grand Vizier, article five regulated the *ayans* and article six gave protection of the subjects from extortion and oppression. The constitutional significance of the *Sened-i İttifak* was the first step towards curtailing the Sultan's authority in the nineteenth century.<sup>113</sup>

However, Mahmud's policy of centralisation would take on a different turn. Although the concept of reform remained central, nevertheless this period was on the one hand an accelerated effort for reformation, but hastened reforms intensified the fractures by the aggressive nature the government executed its policies. Mahmud's government decided the best method to restore authority into the hands of the palace

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<sup>111</sup> Mardin, *The Genesis of Young Ottoman Thought*. pp145-148.

<sup>112</sup> Reform had been initiated by the Ottoman Sultan Selim III, however, Mahmud's activities were far more aggressive and penetrative. It must also be stressed that the Ottoman *devlet* had also been in a state of transformation, but our contention here is regarding the Tanzimat reforms of the nineteenth century.

<sup>113</sup> M. Şükrü Hanioğlu, *A Brief History of the Late Ottoman Empire* (Princeton ; Oxford : Princeton University Press, 2008).



was to eliminate possible oppositional forces that would threaten Sultanic authority. In essence Mahmud decided to breach the agreements made in the *Sened-i Ittifak*.

Upon securing his authority Mahmud executed a host of actions which would attempt to strengthen his hold on government as he chose to centre authority on the idea of a strong Sultan. Thus, Mahmud had the strong *ayan* Ali Pasha of Yanina (Janina/Ioannina) executed in 1822 /1238, the Janissary mainly in Istanbul abolished in 1826 /1241 that was later called the ‘Auspicious Incident’<sup>114</sup>, and then the *Mamluks* in Iraq destroyed in 1831/1247, as he pitted *ayan* against *ayan* in the Arab provinces as a way of maintaining authority. The ulema gradually withdrew their visibility in the imperial centre, as they too were to face the effects of Mahmud’s activities by losing control of the *evkaf*.<sup>115</sup> His rhetoric was presented as Islamic, and support was given by his *Şeyhülislâm* Yasincizâde Abdülvehhab Efendi<sup>116</sup> to centre a policy on authoritarianism, based on a strong central figured leader of state. By centring his policy on the symbol of the strong Caliph, Mahmud’s strategies were to alter the traditional ‘constitutional’ checks and balances of Ottoman political practice of holding authoritarianism to account.<sup>117</sup> By eliminating any faction that could hold Sultanic authority to reason, especially the destruction of the Janissary and withdrawal of the ulema in Istanbul, Mahmud believed that this would secure his position as Sultan, and smoothen the way for wide-scale state centralisation.<sup>118</sup>

The shifting from the politics of decentralization, and instead endorsing antagonistic centralisation to place authority strictly into the hands of the sultan, was a change in style of governance that eventually led to fissures between the Ottoman government and the provincial *ayans*. In 1831/1247 the consequence of this ultimately led to the rebellion of the powerful Egyptian *wali/vali* (governor) Mehmed Ali /Muhammad Ali Pasha against Mahmud II and his forces. The rebellion marked a fundamental turning point in the legitimization of rule in the Ottoman domains as it

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<sup>114</sup> *Vaka-i Hayriye* was the forced disbandment of the Janissary corp.

<sup>115</sup> *Evkaf/awqaf* means religious endowments which used to be in the trusteeship of the ulema.

<sup>116</sup> Mardin, *The Genesis of Young Ottoman Thought*. p149 Mardin explains that Mahmud ordered him to write a book in which the theory of imperial autocracy would be state uncompromisingly. The result was a collection of twenty-five hadith of the Prophet with regard to the absolute necessity to obey rulers. According to Mardin this constitutes to Mahmud’s contribution to political philosophy. The original text cited from Yasincizâde Abdülvehhap, *Hulasat el-burhân fi’ita’at el-Sultan* (Istanbul, 1247/1831) p233. You can also see Abdullah Taha Imamoğlu, “İrâde-i Seniyyeyi Hadislerle Desteklemek: II. Mahmud Dönemi Şeyhülislamlarından Yâsincizâde Abdülvehhâb Efendi ve Hülâsatü'l-Burhan Fî İtaati’s Sultan Adlı Risalesi,” n.d.. This is a translation by Imamoğlu.

<sup>117</sup> The Janissary, ulema and *ayan* had in some shape or form held absolutism to account. This was not a perfect system, but it is worth noting that checks and balances did indeed exist.

<sup>118</sup> Anscombe, *State, Faith, and Nation in Ottoman and Post-Ottoman Lands*.pp90-120.

altered the character of political culture and nature of law.<sup>119</sup> Many like Mehmed Ali, had practiced traditional politics with vigour and loyalty, he was indeed loyal to the Sultan as Caliph, had provided many resources, and conquered lands.<sup>120</sup> But the attempt to subjugate the Pasha for centralising authority to the palace not only spelled a threat to Mehmed Ali's ambitions but altered the traditional political culture. So devastating was the internal clash between the *devlet*'s two most powerful forces that Mahmud sought outside assistance in the guise of the British and Russians. Receiving assistance from the enemy not only compromised the sovereignty of the *devlet* but also provided a moral setback to the sentiments of Muslims both in governance and the mass. Authoritarianism had its benefits for quick decision-making with minimal amount of resistance, especially as decentralisation had created many local abuses of power. Mahmud was to learn however, by eliminating the very forces that held his authority to account, were the very forces that could have repelled Mehmed Ali's advance. This brought to the fore, the problem of absolute authority as the political elites and religious class attempted to rectify this issue.

As a result of the conflict between the Ottoman Sultan and powerful governor of Egypt, the Ottoman *devlet* was to plunge into political chaos and much moral retrospection.<sup>121</sup> During this conflict both Sultan and Mehmed Ali turned to the ulema, to attain legitimacy for their claims. Although it is hard to substantiate the facts over these possible religious contestations what we can deduce is the importance of the moral role of religion and the ulema, as an official consensus was presented by the ulema with the technocrats of the *devlet* in the form of an edict called the *Gülhane* (Rose Chamber)<sup>122</sup> of 1839 (Sha'ban, 25<sup>th</sup>, 1255) to address the fissures created by the conflict. The document was to address the ills of Mahmud's reign and was promulgated after the timely death of Mahmud and the accession to the throne of his young son Sultan Abdülmecid I.<sup>123</sup>

The *Gülhane* would become the basis of an institutionalised attempt of holding central governmental authority to account in documentation that first

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<sup>119</sup> Judith Rood, "Mehmed Ali as Mutinous Khedive: The Roots of Rebellion," *International Journal of Turkish Studies* 8 (2002).pp115-116.

<sup>120</sup> It is worth noting that while on the one hand there was a diminishing of authority of Ottoman governance in the Balkan provinces, Mehmed Ali had managed to defeat the Wahhabi insurrection in the Hijaz and also extended his authority into the Sudan.

<sup>121</sup> Rood, "Mehmed Ali as Mutinous Khedive: The Roots of Rebellion."p117.

<sup>122</sup> The *Gülhane* takes its name from the imperial park the edict was publically proclaimed.

<sup>123</sup> Abu-Manneh, "The Islamic Roots of the Gülhane Rescript."pp191-195. Manneh explained that the ulema and technocrats had already written an edict prior to the Gülhane, suggesting that the political actors in Istanbul had already decided to change direction, prior to Mahmud's death.

indicated the shaping of a ‘modern’<sup>124</sup> constitutional based government, which started to become the model of the future Ottoman political structure. It was at this time that prior to Mahmud’s death the *Meclis-i Vukela* (Council of Ministers) was established.<sup>125</sup> Soon after an *irade* was written that established the religious basis of the *Gülhane*.<sup>126</sup> Although an Ottoman Constitution didn’t draw closer to realization until 1876/1293, however the first signs of placing conditions on the authority of the Sultan to the public was being established as a public relationship between government and the individual started to become visible in the guise of the *Gülhane* of 1839/1255. The edict was the first of its kind in Ottoman history in which a Sultan/Caliph was to hold himself and his government nominally responsible to the populace regarding his role as ruler. Although medieval Islamic theological discussions have inferred of the need of a ruler to uphold the concept of justice<sup>127</sup>, nevertheless the declaration of accountability in the public domain in such a manner was unprecedented in Islamic history. This was clearly an attempt by the political and religious class to outwardly attempt to connect the ruler with the ruled by defining the relationship between the two.

The *Gülhane* had firmly placed the ulema’s scholarly tradition at the heart of political statecraft, while it has been argued that the ulema had become weakened by the actions of Mahmud, the *Gülhane* decree points to either a rapprochement by the state, miscalculation on the part of historians on ulema decline, or that the ulema’s position as a consensus and mediatory community continued to be at the heart of change in late Ottoman *devlet* and they continued to be integral agents of political statecraft. Whereas some have argued a diminished role of the ulema due to the abolishment of the Janissary, what the *Gülhane* indicated was with its central theme of Islam as the ideal and source of governance that the ulema’s intellectual and traditional authority continued to be sought, in the form that not only was it required for governmental policy but also to hold authority to account of which the ulema

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<sup>124</sup> Here I do not use the modern to imply secular, but instead an attempt to orchestrate authority within a new bureaucratic structure.

<sup>125</sup> Shaw, *History of the Ottoman Empire and Modern Turkey / the Rise of Modern Turkey, 1808-1975*.

<sup>126</sup> The importance of the *irade* was that it was similar in meaning and style of the *Gülhane* while the Grand Vizier Mustafa Resid Pasha was in France, suggesting that the notion that Mustafa Resid Pasha was not the main architect of the *Gülhane* but instead the ulema. See Abu-Manneh, “The Islamic Roots of the *Gülhane* Rescript.” pp189-192.

<sup>127</sup> 1332-1406 Ibn Khaldūn, *The Muqaddimah : An Introduction to History*, 2nd ed., 2nd print. with corrections and augmented bibliography., Bollingen Series ; (Princeton, N.J : Princeton University Press, 1980).

were primary, and it was this authority that would continue to drive ulema authority in both state and society. Butrus Abu-Manneh presents the position convincingly that the ulema were central to the construction of the *Gülhane*. He showed that in an *irade*, which was perceived as a draft prior to the promulgation of the *Gülhane*, out of the 32 names signed on the *irade*, 19 were members of the ulema who were active in the *ilmiye*. Of which the *Şeyhülislâm* Mekkizâde Mustafa Âsım Efendi was integral. In early 1839/1255 the Sultan met the *Şeyhülislâm* in a meeting with the *Meclis-i Şura* in enacting the spirit of the Sharia regarding the *irade* of 1839/1255.<sup>128</sup> But more importantly a meeting in the office of the *Şeyhülislâm* was held regarding the matters on the conflict with Mehmed Ali, of which from the 70 people 33 were ulema. And again four members of the ulema out of the ten-man committee were elected to the extension of the Council of Judicial Ordinances.<sup>129</sup> As Abu-Manneh has comprehensively indicated the ulema were integral during this process of governmental accountability, more significantly the construction of the *Gülhane* and its implementation.

This change in style was an invocation to Islamic ideals and Ottoman political traditions of the past and a novel attempt to depart from the style of governance of Mahmud II by displaying greater accountability of governmental action.<sup>130</sup> According to Yılmaz “[The] Ottoman Empire, heralded by the decree of *Tanzimat* in 1839/1255, was thus as much a sequel to Ottoman constitutionalism as a recreation of contemporary Western ideas and structures”.<sup>131</sup> The theme of accountability and justice would require a qualified body that oversaw holding government to account by the religious law, as the ulema would continue to stress in the nineteenth century their centrality to this process. It was the authoritarian nature of Mahmud’s reign that was questioned, as his son, the young Sultan transferred much of his own prerogatives to the office of the Sublime Porte as the initial phases of the *Tanzimat*<sup>132</sup> period reflected greater political inclusivity. The *Gülhane* initiated the first recognition of the importance of ‘public opinion’ to the political class, and set in

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<sup>128</sup> Mekkizâde Mustafa Âsım Efendi shouldn’t be mistaken for Mustafa Âsım Efendi in 1908/1326

<sup>129</sup> Abu-Manneh, “The Islamic Roots of the *Gülhane* Rescript.” p194.

<sup>130</sup> Tradition can be critiqued as being ancient and no longer conducive to present times and yet at the same time tradition can be invoked as a return to something pure. Both authoritarianisms and constitutionalism have a basis in traditionalist thought. It simply depends what form of tradition is presented by those who dominate public opinion.

<sup>131</sup> Yılmaz, “Containing Sultanlic Authority: Constitutionalism in the Ottoman Empire before Modernity.” p233.

<sup>132</sup> The Decree was a declaration of the reform programme known as *Tanzimat al ahliyye* (The auspicious reforms) which the period between 1838 to 1876/1293 is known.

motion the idea of an alternative to authoritarian politics of Mahmud. The *Tanzimat* would not necessarily shift away from authoritarianism as a practice, but a precedent had been set which would continue to be discussed during the *Tanzimat* up until the Hamidian period. As a result, it is worth examining the *Gülhane* and how an edict that emanated from a period of much internal turmoil would become institutionalised as an ideal for future Ottoman governments.

### **The *Gülhane* – In its ‘Spirit’ of Justice we Trust!**

The promulgation of the *Gülhane* decree introduced the period of what is known as the *Tanzimat* (Reform 1839-1876/1255-1293). State transformation was a continuous feature of the Ottoman State, but the *Gülhane* edict can be viewed as a milestone in the style in which the edict was presented as it emphasised on a ‘just’ application of principles of Islam in politics. The edict both in spirit and in form reflected Islamic political idealism by stressing on the Sharia as law and its spirit of justice. The *Gülhane* decree also preluded to a greater initiative of reform presented in a style by government that was to be viewed as a shift from the reign of Mahmud II as increased administrative responsibility was introduced and accountability of authority was placed as a key tenant for public consumption in all forms of leadership, especially provincial. State reformation was also to facilitate a new bureaucracy class that would become a key feature in the difference between the *Tanzimat* state and the Ottoman *devlet* of the past. Such were the conditions upon the death of Mahmud that on a rare occasion all political factions including the Sublime Porte, the Palace and the ulema were in agreement of the policy shift and collaborated together to safeguard state and society with new vigour.<sup>133</sup>

The document presented as Islamic was built on a set of Islamic principles rather than any real detailed justification of government accountability from the *fiqh* (jurisprudence). But its uniqueness was the manner the document attempted to address the subjects of the *devlet* regarding the role of government and the governmental conception of enacting justice. ‘Justice’ in the *Gülhane* derived from the Sharia, that is not to say that Mahmud didn’t evoke that his implementation of

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<sup>133</sup> Abu-Manneh, “The Islamic Roots of the Gülhane Rescript”; Anscombe, *State, Faith, and Nation in Ottoman and Post-Ottoman Lands*. As the Bureaucrats of the Sublime Porte attained gradual power, a power struggle ensued between the Palace and Porte in the latter decades of the *Tanzimat* period.

justice was not Sharia inspired. But justice was no longer in the hands of the interpretation of the Sultan as Mahmud had laid claim to.<sup>134</sup> Justice had to be determined by the ulema and political statesmen within the new political culture. True justice could only be derived by the Sharia in which God's agent (Sultan/Caliph) should enact upon earth, but his agency was determined by an agreed consensus established in the *Gülhane*. In that sense the *Gülhane* was dealing with this conception of justice, one in which sovereignty was based on the Sharia, political ethics from its spirit, as the Caliph was simply the agent to implement it, in which prosperity and peace may prevail in the domains.

It seems evident that there was no distinct departure of the implementation of neither the Sharia in the Ottoman law courts nor the change in its practice in mainstream Muslim society. What was different in the *Gülhane* was to emphasise on the Sharia and its conception of justice and moral governance at the heart of political activity, stressing this point to the Muslims in the Ottoman *devlet* became significant. It was assumed by the Ottoman central authority that by proper administration, and sincere practice of the Islamic basis of governance that all subjects of the *devlet* would provide loyalty to the government. As a result, all people were subjected to equity in the eyes of the law and all people were entitled to the right to the protection of ones life, intellect, property and honour via Islamic political thought of what was subscribed to what is now deemed as the principles of the *Maqāsid Al-Sharī'ah Al-Islāmīyah* (objectives of the Islamic Sharia) transcribed.<sup>135</sup> The essence of the *Gülhane* emanating from Islam and the outwardly expression of Islamic terminology and rhetoric of the *Gülhane* indicated as Abu-Manneh has thoroughly explained that the *Gülhane* was not simply a cosmetic construction of using Islamic forms, but in actuality Islamic in form, content and meaning, which was heavily influenced by the

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<sup>134</sup> Mahmud self-proclaimed himself as Mahmud the just- *Mahmud-u Âdlî*. The irony is that he was infamously named the 'infidel Sultan' see in Anscombe, *State, Faith, and Nation in Ottoman and Post-Ottoman Lands*.p170.

<sup>135</sup> These five points are taken from the principle drawn by Medieval Islamic theologians regarding a political theological philosophy which were later established by nineteenth/twentieth century Tunisian theologian Ibn Ashur as the *Maqāsid Al-Sharī'ah Al-Islāmīyah* in which justice is the key philosophy behind Islamic law and governance. From it came five main things that society deserves protection for called the *al usul al khamisa*( The five principles) in which Faith, life, intellect, property and lineage were the key cornerstones. Later on a sixth was added in the guise of honour. For a discussion on this see Muḥammad al-Ḥabīb Ibn al-Khūjah, *Muḥammad Al-Tāhir Ibn 'Āshūr Wa-Kitābuhu Maqāsid Al-Sharī'ah Al-Islāmīyah* ([Doha, Qatar] : Wizārat al-Awqāf wa-al-Shu'ūn al-Islāmīyah, Dawlat Qatār, 2004). For the principles of the Maqasid in the Gülhane see Abu-Manneh, "The Islamic Roots of the Gülhane Rescript."

ulema and Islamic political idealism.<sup>136</sup> Abu-Manneh's argument was central to question the common narrative that placed the *Gülhane* as simply an edict that was emulating Western political norms to appease the Western powers.

Also, historians have at times not fully rationalised the importance of Mehmed Ali's role in the predicament that contributed towards the promulgation of the *Gülhane*.<sup>137</sup> His military power along with his appeal to the Muslim population was a primary reason why allegiances started to shift away from the Sultan from the Muslim masses, ulema and state governors. Mehmed Ali's actions were not simply a power grab by the ambitious governor of Egypt. Instead his actions should be viewed as a protestation appealing to consensual Muslim support. His march till Konya in Anatolia, and his easy defeat of the Ottoman troops, doesn't simply point to the superiority of his modernised army nor his ascendancy as commander. But points to the possibility of the Sultan's troops unwillingness to confront the Pasha and that Muslim public opinion was averse to resisting the governor both in society and militarily due to the ill effects of Mahmud's policies, a point possibly understood by the architects of the *Gülhane*. The declaration of the *Gülhane* was not simply an attempt to improve the state bureaucracy and reform the various aspects of the *devlet*, but was also an attempt to improve and recover Muslim morale and attain the respect from all the subjects of the Ottoman *devlet*, thus present a degree of governmental responsibility.<sup>138</sup> The ideals of loyalty, identity, prestige and ideology were re-emphasised and became essential during the *Tanzimat* period.

Ottoman statesmen started to work on first strengthening their social base by rallying as much of the Muslim population around a common cause. The project was

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<sup>136</sup> Abu-Manneh, "The Islamic Roots of the Gülhane Rescript." Historians have continued to debate the nature of the *Gülhane* throughout Ottoman historiography. Niyazi Berkes placed the *Gülhane* decree firmly within his framework of the start of the secularization process of Ottoman politics. Although accepting that "the Sharia laws embodied in the Charter as fundamentals" he nevertheless continuously stressed that the Gulhane was an attempt to imitate the West not only in style but substance. He argued that "We do not need to look at the English or French political impact in order to discover the origins contained in the *Tanzimaâ* charter [sic], and we shall not find them in the Muslim political thinking of the past. See in Berkes, *The Development of Secularism in Turkey*, 1998. For Stanford Shaw the 'Gülhane encompassed many ideals contained in the French Declaration of the Rights of Man and the Citizen of 1789. See in Shaw, *History of the Ottoman Empire and Modern Turkey / the Rise of Modern Turkey, 1808-1975*. It can be conceded indeed as Inalcik points to that the *Gülhane* was 'modern' and 'revolutionary' but not because it attempted to emulate the West but because it had taken a course which previous Ottoman governments had not, one of public responsibility and accountability in a written oath, which was both modern and revolutionary. See in Halil Inalcik, "Application of the Tanzimat and Its Social Effects," ed. György Hazai, *Archivum Ottomanicum*.

<sup>137</sup> A point made in Anscombe, *State, Faith, and Nation in Ottoman and Post-Ottoman Lands*. pp87-89.

<sup>138</sup> Anscombe, *State, Faith, and Nation in Ottoman and Post-Ottoman Lands*. pp87-89.

to also appeal to the large segments of the non-Muslim population and attempt to integrate and utilize their skills for the state. The promulgation of the decree was not simply a piecemeal to silence dissatisfaction, it seems that there was a sense of sincere humility from the part of government, technocrats and ulema that the distress caused by the existential conflict needed to be publically addressed.<sup>139</sup> Hence, the project became an attempt to organize the state, present a declaration of responsibility from government, address Mehmed Ali and the sensitivities regarding his conflict with central authority and to enforce social alliances based on shared values. The decree was therefore an attempt to initiate a process of reformation but within a set value-system where principles were extracted from Islamic political thought.

Whereas there was no open apology or declaration that would subjugate the sultan to the status of a mere mortal, it did however imply to the Sharia functioning as the heart of governmental political activity of which every actor including Sultan was subjugated too.<sup>140</sup> In doing so the *Gülhane* had set a precedent that the Sultan's authority came from his responsibility towards his subjects, he was legitimate so long as he, his government and his people were ruled by the justice inscribed in Islam. The *Gülhane* had also emblazoned equity among all subjects in the sense of the guaranteeing of rights, thus openly attempting to create a more homogenous loyal Ottoman subject as the first signs of an official state sponsored inclusive identity was being formulated as *Osmanlılık* or *Osmanlıcılık* (Ottomanism). It was this concept of equity that would continue to become a highly contested issue for the Ottoman reform efforts throughout the late Ottoman *devlet*. The ideal of equity in principle should have invoked a sense of collective loyalty towards belonging to a communal Ottoman citizenry; however, it also created new paradigms of discontent and identity politics that shall be discussed later.

However, a rise of a new bureaucratic class managed to attain the reigns of the Sublime Porte and shifted the policy away from the premise of the *Gülhane*. The first phase of the *Tanzimat* period was as Abu-Manneh has suggested between 1839/1255 till 1854/1271 and the second between 1855/1272 till 1871/1288.<sup>141</sup> In 1856/1273 a new edict, the *Hatt-ı Hümayun*, was seen as a capitulation to Britain and France due to their assistance against the Russians in the Crimean war of 1853-1856/1270-1273.

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<sup>139</sup> Ibid, pp98-107.

<sup>140</sup> This was then explicitly written into the constitutional amendments of 1909.

<sup>141</sup> Abu-Manneh, "Two Concepts of State in the Tanzimat Period: The Hatt-I Şerif of Gülhane and the Hatt-I Hümayun." p121.



The edict seen to be influenced by the Western powers was perceived to be a total capitulation that provided absolute equality to the non-Muslims within the Ottoman Empire. Equality in the eyes of the law was not a novel concept, but the *Hatt-ı Hümayun* went further than anytime before in Ottoman history as it was felt that the edict was designed solely for the Christians of the Empire. In Istanbul with a society composed of the ulema, Sufi Sheikhs and officers, some started to secretly organise a reaction to the edict in 1859/1276. The incident came to be known the Kuleli incident. The incident was called a reactionary one by earlier historians due to the fact that the leader was a Sheikh (Sheikh Ahmed). But it's worth noting how those who were not part of the conservative class viewed the revolt. On closer inspection Namik Kemal and Hungarian Arminius Vambéry both praised the conspiracy and even attributed constitutionalist thoughts to the agitators – this however could have been a re-writing of the events.<sup>142</sup> While in the past opposition was in the guise of Janissary support, during the *Tanzimat* this was no longer possible as the ulema and those against the Sublime Porte used conspiracy and protest as a form of opposition – the politics of resistance came in many forms. In this second phase of the *Tanzimat* the Sublime Porte was to face a series of challenges from the agents of religion. The opposition continued to be motivated by the Sharia against absolutism, only this time of the Sublime Porte.

The actors of the Kuleli incident felt betrayed by the Sublime Porte, as they had fought in the war against the Russians, and many of the ulema had campaigned in favour of the war against the Russians calling it a jihad. In 1853/1270 outside the Şehzâde Camii an official petition was signed by 35 members of the ulema to support the Ottoman war effort.<sup>143</sup> Sheikh Ahmed who was the leader of the opposition was a champion for the *devlet*, he supported reform and was close to the state. He stressed during his trial that he simply wanted to carry out the statutes of the Sharia, the state itself conceded he wanted to introduce the ulema to express their thoughts more freely in society.<sup>144</sup> Nonetheless, Sheikh Ahmed was to be executed by the state, thus the Sublime Porte as a result started to lose much credibility.

But opposition did not stop against the Sublime Porte as a new class of Ottoman thinkers inspired by the new conditions created by the *Tanzimat* attacked the

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<sup>142</sup> Florian Riedler, *Opposition and Legitimacy in the Ottoman Empire : Conspiracies and Political Cultures*, SOAS/Routledge Studies on the Middle East; (Abingdon, Oxon; New York, NY : Routledge, 2011). p12.

<sup>143</sup> Riedler., p19.

<sup>144</sup> Ibid, pp17-24.

Sublime Porte in journals. These new thinkers were later to be known as the Young Ottomans who started a journalistic campaign to discredit the autocracy of the Sublime Porte, but presenting their knowledge of the new tools of the *devlet* such as journalistic activity and amalgamate this within the rethoric of Islamic oppositional culture. The Grand Viziers Ali and then Fuat Pasha were labelled as tyrants and adopters of Western values over the Sharia. It was argued that they had lost their ties with the past (possibly the *Gülhane*) and the principles of the Sharia. In one article in the *Hürriyet*, Ali was accused of once again being a tyrant and that a *fetva/fatwa* was obtained suggesting that it was legitimate to kill a tyrant. This *Kisas*<sup>145</sup> literature would once again be used as a style against Sultan Abdülhamid II.<sup>146</sup> The Young Ottomans had centred much of their ideas and opinions within the prism of Islam and started to frame concepts of constitutionalism and parliamentarianism within the purview of Islam. During the earlier *Tanzimat* period both Muslim intellectualism and ulema scholarly traditionalism intermeshed, and interacted with one another on equal footing. An example was Namik Kemal's concepts of *Şura* or his appeal to the Quranic verse such as *washawir hum fi'l amri* and *wa ta'muru baynakum bi ma'rufina* which doesn't indicate that Namik Kemal was simply coercing the ulema,<sup>147</sup> but in fact recognising the framework of traditionalism. Along with Young Ottoman activism, awareness against Sublime Porte authority, and the weakening of the Sultanate, as well as constitutional practice in Tunisia, constitutionalism started to become a central theme amongst the minds of the ulema and Muslim thinkers in the Empire.

### **The Gülhane's Centrality to Constitutionalism**

The 'Spirit of the *Gülhane*' created a premise where future Muslim thinkers of the Ottoman *devlet* and the Muslim world felt the need to adhere to the main principle of what the *Gülhane* proposed.<sup>148</sup> The impact of the war between Mehmed Ali and Sultan Mahmud II forced much introspection and soul searching across the Ottoman domains. Mehmed Ali's advance meant that he had occupied Syria and parts of

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<sup>145</sup> *Kisas* would translate as the 'Law of talion'.

<sup>146</sup> *Hürriyet* 20 Aralık, 1869/1286.

<sup>147</sup> This is implied in Şerif Mardin's ideas in Mardin, *The Genesis of Young Ottoman Thought*.

<sup>148</sup> *al-Manar*, p425.

Anatolia up until at least Konya if not Kütahya. His advances into the Sudan and his wars for the Ottoman government in both Greece and then the Hijaz against the Wahabbis should provide us a complexity of not simply viewing the Pasha from nationalist notions regarding the Egyptian nation-state but the impact he had on the thinkers of the Ottoman domains.<sup>149</sup> Upon his withdrawal back to Cairo, Arab thinkers and ulema started to also examine the idea of Sultanic authority. European thinkers, had continued to reflect the Ottoman Sultan as a despot, thus producing a response from Muslim thinkers to address in their opinion this Eurocentric understanding of Ottoman politics. After all, some European thinkers recognised that the “Turkish government was fixed in Europe”.<sup>150</sup> As a result Egyptian scholar by the name Khalīfa ibn Mahūmud under the supervision of the âlim and his teacher Rifā’a al-Tahtāwī produced a translation and commentary of a European work written by the Scottish historian William Robertson, entitled *A View of the Progress of Society in Europe*, which had certain notions of European constitutionalism and so-called Ottoman despotism.<sup>151</sup>

Khalīfa first presents his position that European states only have recourse to laws against the tyranny of Kings because they do not possess the Quran and Sunnah which is the divine law. He continues that the political laws of Muslims by definition must be just for they are from divine sources.<sup>152</sup> He adds that the Sultan far from being able to act freely, must abide by the judgement of the *diwan*, his Council, and the *mufti*, the supreme authority on religious law who is a powerful member of the *diwan*. He then continues to explain how the Ottoman government was indeed constitutional by saying ‘all of the Sultan’s actions’, ‘are limited by the Quran and the Hadith (*maqsura ‘alā*). ‘These are the source of his power and respect among his subjects, if they obey him, that is only because of the orders of the praiseworthy Quran’. If the Sultan ceases to follow the Quran and Sunna, ‘he has transgressed the bounds (*ta’ addā al-hudūd*), and the hearts will fly from him [...] Great Sultans have been killed for the transgressions of the laws of the state (*qawānīn al-dawla*) and the Sharia.<sup>153</sup> What is worth of note is that not only is Khalīfa attempting to dispel

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<sup>149</sup> Khalid Fahmy, *All the Pasha’s Men: Mehmed Ali, His Army and the Making of Modern Egypt*, New edition edition (Cairo: The American University in Cairo Press, 2002).

<sup>150</sup> P. Hill, “Ottoman Despotism and Islamic Constitutionalism in Mehmed Ali’s Egypt” 237, no. 1 (October 30, 2017): pp135–140.

<sup>151</sup> P. Hill, “Ottoman Despotism and Islamic Constitutionalism,

<sup>152</sup> Ibid, p147

<sup>153</sup> Ibid, pp152-153

European generalisations of Ottoman governance, it is also possible that this is also an address to the Muslims in the region in understanding the reasoning of why the likes of Mehmed Ali may have gone to war against Sultan Mahmud II. It is evident that the ulema class in Egypt either had or were trying to explain the conception of good Ottoman rule. It is also noteworthy how Khalīfa uses the term *Qawānīn* the plural of *Qanun* and in Turkish *Kanun*, which is what was understood as laws of the constitution. He also further endorses the *diwan* and the mufti as important checks on Sultanic authority. He later continues that the Sultan is not ‘absolute (*mutlaq al-tasarruf*) but restricted, if necessary, by the law’ (*qawānīn*). He continues “If the Sultan follows the Quran, Sunna and the Sharia, injustice [zulm] cannot be imputed to him anyway – Allah forbid that our Sharia should be unjust [zālim]!”<sup>154</sup> Later his teacher Tahtawi also mentions that the Sultan follows the Quran, the Hanafī Sunna, and indeed the prevailing custom (*al-āda al-jariya*).<sup>155</sup> Looking at these works one draws two main conclusions, the first being that the ideas of the *Gülhane* were not restricted to the imperial centre, thus pointing to a far more connected intellectual *develt*, and secondly that maybe as Fredrick Anscombe has pointed to that Mehmed Ali’s advance was more in line with Islamic ideals of governance than simply a power grab.<sup>156</sup>

In the *Beylik* of Tunisia two works published very closely to each other reflected that trend of the influence of the *Gülhane* on Muslim thinkers and Islamic political thought. These were Ahmad ibn Abi Diyaf a historian and *ālim* and Hayreddin Pasha/ Khayr al-Dīn Tūnisī <sup>157</sup> who was the principle writer of the Tunisian constitution of 1861/1278, Tunisian Prime Minister in 1873/1290 and briefly Grand Vizier of the Ottoman *devlet* during the Hamidian period in 1877/1294. Both Abi Diyaf in his book *Ithaf Ahl al-Zaman hi Akhbar Muluk Tunis wa ‘Ahd al-Aman* (*Presenting Contemporaries the History of the Rulers of Tunis and the Fundamental Pact*) and Hayreddin in his book *‘Aqwam al-masālik fī ma‘rifat ahwāl al-mamālik* (*The Surest Path*) asserted the basis of the *Gülhane* being Islamic and the ideal for good governance. Hayreddin’s work aimed at the ulema and Muslim intellectual class was to evoke Muslim emotion and thought, and endorse

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<sup>154</sup> Ibid, p157

<sup>155</sup> Ibid, p158

<sup>156</sup> Frederick F. Anscombe, “Islam and the Age of Ottoman Reform,” *Past & Present* 208, no. 1 (August 1, 2010): 159–89.

<sup>157</sup> Khayr al-Dīn Tūnisī in Arabic.

reformation. He explained the need for the ulema to become politically active yet fell short of endorsing ulema involvement in policy and decision-making.<sup>158</sup> The centrality of the *Gülhane* to Hayreddin's reformation effort, points to how ulema thought and intellectual framework impacted upon Muslim thinkers and technocrats in the Muslims world. For Hayreddin, state, society and religion were all interconnected. He pointed to the idea that the *Gülhane* was the basis of the state's administration and the edict was in fact a noble effort. He continued to stress the Islamic nature of the decree as he attempted to convince his readership that the edict was not Western. As a Muslim thinker, Hayreddin recognised his ideas would not be received without ulema recognition. In fact Hayreddin himself worked closely with the ulema in Tunisia to construct the Tunisian constitution of 1861/1278.<sup>159</sup> Regarding the *Gülhane* he quoted the nineteenth century Ottoman theologian of Damascus Shaykh Muhammad ibn Abidin al-Hanafi (1783–1836/1197–1252) that “there is no harm in imitation of that which is linked to the good of the believers”.<sup>160</sup> The *Gülhane* would become in ‘ideal’ central to future formations of constitutional governance in the Arab and Ottoman speaking world. More importantly, Muslim thinkers and politicians recognised the importance of the ulema, and continued to appeal to them and worked within the scholarly tradition of the ulema for acceptance. According to Leon Carl Brown, Abi Diyaf used his ulema education to write his work while with Hayreddin, there was no doubt in Brown's mind that it was a collective effort in writing the *‘Aqwam al-masālik* with the ulema.<sup>161</sup> We see once again how the ulema were a part of the state building processes but also sought regarding the intellectual ideas in relation to political re-configuration.

It wasn't only statesmen such in Tunisia who proclaimed the turning point in Islamic political thought regarding the *Tanzimat*, for the Young Ottoman thinker Ziya Pasha the *Gülhane* was in no way outside the scope of the Sharia. Even after the *Tanzimat* Sultan Abdülhamid II felt that “the hearts of all of the subjects might have been filled with love and loyalty toward their sublime sovereign through the diligent implementation of the laws and regulations that [were] enacted after the promulgation

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<sup>158</sup> P. Hill, “Ottoman Despotism and Islamic Constitutionalism p157

<sup>159</sup> Arnold H. Green, *The Tunisian Ulama : 1873-1915 : Social Structure and Response to Ideological Currents*, Social, Economic and Political Studies of the Middle East ; (Leiden : E.J. Brill, 1978).

<sup>160</sup> Tūnisī, *The Surest Path*. p110.

<sup>161</sup> Ahmad Ibn Abi Diyaf, *Consult Them in the Matter - A Nineteenth-Century Islamic Argument for Constitutional Government The Muqaddima (Introduction) to Ithaf Ahl Al-Zaman Hi Akhbar Muluk Tunis Wa ‘Ahd Al-Aman (Presenting Contemporaries the History of the Rulers of Tunis and the Fundamental Pact)*, trans. L. Carl Brown (Fayetteville: The University of Arkansas Press, 2005).p3-5

of the Noble Rescript of the Rose Chamber [*Gülhane*]"'.<sup>162</sup> In the Egyptian *al-Manar* press in 1908/1326 the author wrote 'that the *Gülhane* was in accordance with the Sharia and laid down the laws that we have today. It was in fact the deviation from the *haq*(truth/rightousness) that has led to the sad state of affairs [in the Hamidian period]'.<sup>163</sup> The spirit of the *Gülhane* would become infused with the future constitutional constructions in the Ottoman *devlet*. Although the constitutions would be far more comprehensive, the basis of what the *Gülhane* represented is worth of note. Many historians conceived that it was the 'secular' nature of the *Gülhane* built upon Western idealism that influenced Ottoman constitutionalism in the late nineteenth century while suggesting diminishing ulema authority in the intellectual-political realm. However Ottoman borrowing infused with traditional indigenous practices go some way in explaining the adoption processes of political structures as the Islamic basis of ulema traditions was infused in the *Gülhane*, ever present in Ottoman constitutional formations.

Political debates such as the compatibility of Islam and constitutional theory become prominent by the end of the *Tanzimat* and early Hamidian period as good governance would take its ideals from Islamic discourse, but would borrow structures from the rest of the world. From the discussions regarding the constitution, Muslim thinkers discussed the institutionalising of other Islamic political concepts such as the idea of the *Beyat* (the process where the people who loosen and bind, elect the Caliph),<sup>164</sup> *Şura* as parliamentarianism,<sup>165</sup> *Meşveret* as consultation<sup>166</sup> and application of the Islamic law (the Sharia). By the time Sultan Abdülhamid II (1876-1909/1293-1327) was to come to the throne the Ottoman *devlet* would take note from the constitutional experiments from the region and attempt their own journey towards

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<sup>162</sup> Feroze Yasamee, *Ottoman Diplomacy : Abdülhamid II and the Great Powers 1878-1888*, Studies on Ottoman Diplomatic History ; (Istanbul : Isis Press, 1996).

<sup>163</sup> *al-Manar*, p425.

<sup>164</sup> Khayr al-Din al-Tunisi, *The Surest Path. The political treatise of a nineteenth-century Muslim statesman. A translation of the Introduction to The Surest Path to knowledge concerning the condition of countries by Khayr al-Din al-Tunisi*, editor, Brown.C, Harvard University: Center for Middle Eastern Studies 1967. Khayr al Din attempts to explain the need to institutionalize the process of the people who would 'loose' and 'bind' (ahl al-hall wa al-'aqd) when giving the allegiance of electing a Caliph (Bay'a). This process was a contract or an outh between the ruler to the representatives of the *ummah* to obide by the Sharia and the law.

<sup>165</sup> Mardin, *The Genesis of Young Ottoman Thought*. The Young Ottomans debated the nature of the Parliament as a process of *şura*.

<sup>166</sup> Iqbal Singh Sevea, *The Political Philosophy of Muhammad Iqbal : Islam and Nationalism in Late Colonial India* (Cambridge ; New York : Cambridge University Press, 2012). p53. Iqbal discusses the idea of institutionalizing the parliament so that it became a form of *Ijma'a* (Consensus) among the Muslim community where they wouldn't ere in electing a new Caliph.

constitutional-monarchism with a parliamentary system that to some degree transcribed the ulema ideals invested in the ‘spirit of the *Gülhane*’.

Although historians and academics will continue to argue the political nature of Islam<sup>167</sup>, the point of contention is to highlight Ottoman self-perception. Islam in the late Ottoman *devlet* was inherently part of a worldview that included politics and religion as dependent, inseparable, and driven by the Sharia especially in matters to do with the law regarding governance. The Sublime Porte chose to marginalise inclusive participation of a host of actors, such as the ulema, Muslim technocrat and the Palace. The perceived shift away from the *Gülhane*’s principle by the Sublime Porte not only shocked many Muslims but also forced many Muslim thinkers and ulema alike that excessive authority in the hands of the Sublime Porte required addressing.<sup>168</sup> While Mahmud’s governance reflected the problems of an authoritarian Sultan, the *Tanzimat* period reflected weakened Sultans and authoritarianism now practiced by the Sublime Porte. The mismanagement of resources, the weakening of Sultanic authority, and a feeling of contempt by many Muslims regarding the intentions of the policies and policy makers of the Sublime Porte during the late *Tanzimat* period, facilitated a culture of desiring increased consensus deliberation, the inclusivity of further political actors, and a clear accountability of governmental responsibility.

## **The Ottoman Constitution of 1876/1293**

We have two main books on the Ottoman Constitutional process of 1876/1293. These are Robert Devereux’s work in English written in 1963/1383 and Selda Kaya Kılıç’s study written in 2010/1431 in Turkish.<sup>169</sup> There is also Aylin Koçunyan’s PhD thesis which examines the negotiation of the Ottoman Constitution and looks at the potential sources of inspiration for the first Ottoman Constitution.<sup>170</sup> Both Devereux

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<sup>167</sup> Ahmed, *What Is Islam?*

<sup>168</sup> Mardin, *The Genesis of Young Ottoman Thought*; Riedler, *Opposition and Legitimacy in the Ottoman Empire*.

<sup>169</sup> Devereux, *The First Ottoman Constitutional Period*; Kılıç, *İlk Anayasanın Hazırlanması Osmanlı Devletinde Meşrutiyet’e Geçiş*.

<sup>170</sup> Aylin Koçunyan, “*Negotiating the Ottoman Constitution: 1856-1876*” 2013, <http://cadmus.eui.eu/handle/1814/27180>. I was unable to obtain this thesis for various reasons and was thus restricted to an article written by the author titled Aylin Koçunyan, “The Transcultural Dimension of the Ottoman Constitution,” *Well-Connected Domains*, June 27, 2014, 235–58.

and Kılıç provide great insight and detail, however Devereux's work -the more dated - focuses more on the dichotomous narrative of a contestation between Sultan Abdülhamid II and the then Grand Vizier Midhat Pasha, in the end concluding that the constitution of 1876/1293 resulted in Midhat overcoming the obstacles from the Sultan to promulgate 'Midhat's Constitution'. Focusing more on the personality politics of the Sultan and Grand Vizier, Devereux's work although detailed somehow neglects from discussing the religious debates surrounding the process of deliberation that took place at the time. Whereas although a smaller work, Kılıç's more recent book has received little attention mainly due to the fact it is written in Turkish which provides a far more detailed narrative of the different factions and debates that started during the reign of Sultan Murat V and then conclude during the the coming to power of Sultan Abdülhamid II, lending way to a more consultative process. In addition we also have İsmail Kara's general work on Islamic thought and the constitutional debates which has more of a focus on the Second Constitutional Period but nonetheless provides great insights on the thoughts of the Young Ottomans in 1876/1293 during the constitutional debates, along with the classical work of Şerif Maridn. Nurullah Ardiç has recently also added to this debate, but his work seems to be a general overview of works before. Recently works by Abdülhamit Kırmızı have shed more light from the perspective of senior Ottoman statesman Ahmet Midhat and the possibility of establishing an authoritarian constitutional form of governance in line with the other major monarchists powers at the time.

## **The Constitutional Debates Begin**

By the late nineteenth century the first wave of constitutional politics materialised in the transregional Ottoman domains.<sup>171</sup> There can be no doubting that the Ottomans learnt from their environment and it would be now safe to suggest that the factors were both external and internal.<sup>172</sup> While earlier historians focused on Ottoman attempts to emulate the Belgian and Prussian constitutions, it is also worth of note as Koçunyan has shown that the Austrian modal of governance was closely examined as it was perceived by Midhat Pasha that the Austrian multi-ethnic empire was the

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<sup>171</sup> The first wave of constitutional politics was in the late nineteenth century; the second in the early twentieth century. For the second wave see Sohrabi, "Global Waves, Local Actors."

<sup>172</sup> Koçunyan, "The Transcultural Dimension of the Ottoman Constitution."



closest to the Ottoman domains.<sup>173</sup> It is clear that the Ottomans were careful in their process towards moving towards constitutionalism. Zafer Tunaya even goes as far as suggesting that the Ottoman thinkers examined up to one thousand books. While Tunaya's assertion can't be proven, the point here worth noting is the extent to which the Ottoman establishment went in drafting their own constitution.<sup>174</sup>

While much has been shown how the Ottomans in form attempted to construct their constitution like other nations especially European, further investigation points to important Muslim experiments. Tunisia was the first Muslim government to implement a constitution in 1861/1278, the Ottomans then together with the Armenian community approved the Armenian National Constitution for the Armenian millet in 1863/1280. By 1876/1293 the Ottomans had also attempted constitutional governance and then Egypt in 1881/1298. In this first phase of Muslim constitutions three key locis of Muslim authority and transformation in the region such as Tunis, Cairo and Istanbul were all reflecting similar notions, indicating a connectivity that requires further investigation. All the projects resembled one another in form, with consultation and consensus being at the heart of the political practice. Apart from the Armenian effort<sup>175</sup>, all the constitutions stressed on Islamic conceptions of justice and consultation, however religion in all the cases was the ideal at the basis of the constitutions. It cannot be denied that the *Gülhane* had established a precedent on constitutional politics in the region. In 1876/1293 the Ottoman *devlet* for the first time in its history promulgated a constitutional government with a parliament, as Sultan Abdülhamid II became the first constitutional-monarch of the Ottoman *devlet*. But prior to the promulgation of the constitution much debate took place regarding its compatibility with Islam and in particular the role of non-Muslims in the new political system.

Upon the promulgation of the Ottoman constitution there was a level of hesitancy on the part of Sultan Abdülhamid II. This should come as no surprise, as the previous sultan, Sultan Murat V himself was also hesitant towards the implications of constitutionalism, and what constitutionalism entailed regarding Sultanic authority. The hesitancy either by the Sultan, ulema, or upholders of the status quo, has been viewed within the binary of constitutionalists against anti-constitutionalist, or liberals against conservatives with the ulema generally presented

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<sup>173</sup> Ibid, p245

<sup>174</sup> Koçunyan, "The Transcultural Dimension of the Ottoman Constitution."p256

<sup>175</sup> The Armenian effort was not regarding state configuration.

as the group that either reacted negatively to constitutionalism or hampered efforts for its implementation.<sup>176</sup> This can be reflected in the views of Christian Arab writer who later converted to Islam al-Shidyāq who was an eyewitness to the promulgation of the constitution in 1876/1293 in Istanbul and explained that there were two camps, those in favour of constitutionalism who were the technocrats and those against who were the religious students. He explained:

When the news about the state's attempt to constitute a parliament erupted, many [scholars and civil servants] in Istanbul expressed their opinions on this important issue. There were those who said that establishing parliament contradicts the pure shari'a, and there were those who said that shari'a imposes a government based on consultation [*hukuma shu'riyya*] and not on autocratic rule [*hukuma istibda'diyya*]. That is why the people of Istanbul divided into two opposing camps, and it is not a secret that this division embedded a harmful situation for the state. While one camp consisted of [religious] students [*talabat al-'ilm*] opposed to the establishment of the council, the other requested that we publish in *al-Jawā'ib* the introduction of *aqwam al-masālik* [Khayr al-Din al-Tunisi's book].<sup>177</sup>

Another Arab writer Rizq Allah Hassun interpreted the new political environment by indicating the conflict was between two groups: supporters of the constitution, and those who opposed it arguing that it was against religion. Hassun contended that the difference between the two groups was not political and was not concerned with any kind of political opposition. According to him it was related to competition between those who had government positions and those who did not.<sup>178</sup> But while many outside observers placed the ulema firmly in the camp of opposition, Ahmed Midhat an Istanbul insider presents a rather more diverse view of the two camps. As Abdulhamit KIRMIZI's examination of the Ottoman intellectual explains:

He [Ahmet Midhat] categorized the political positions in society toward the Kanun-i Esasi, the constitution, into two parties, *hilafgiran* and *tarafgiran*, the adversaries and the adherents, both divided into two subsidiary groups. A part of the *hilafgiran* saw the constitutional monarchy as *bidat*, an innovation or novelty without roots in traditional practice. According to them, the representation of non-Muslims in the parliament was irreconcilable with Islam. Another part of the *hilafgiran* did not

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<sup>176</sup> Hanioglu calls it a tug of war between conservatives and modernist ulema. See in Hanioglu, *The Young Turks in Opposition*.pp241-242.

<sup>177</sup> Wael Abu-Uksa, *Freedom in the Arab World Concepts and Ideologies in Arabic Thought in the Nineteenth Century* ([S.l.] : Cambridge University Press, 2016).p159. The re-publication of Hayrettin's *Aqwam* must have led Sultan Abdülhamid II to ask him to become Grand Vizier shortly after.

<sup>178</sup> Abu-Uksa, *Freedom in the Arab World Concepts and Ideologies in Arabic Thought in the Nineteenth Century*, pp159-160.

see the constitution as a *bidat*, but politically harmful (*siyaseten muzr*). The *tarafgiran*, on the other hand, who favored the parliament's use of power within the limits of the constitution, were also divided into two groups. One group thought that a constitution was something not to be granted by the state, but to be realized by the people. Therefore, the constitution and its supplementary laws had to be realized by the people, not decreed by the statesmen. The second group of the *tarafgiran*, with whom Ahmed Midhat identified himself, argued that the Ottoman constitution could not be compared with European constitutions because it was granted by the state; therefore, naturally, the laws had to be prepared by the state, too.<sup>179</sup>

As Ahmet Midhat was an insider his opinion represents a better explanation of the discussions although he has been accused of being a Hamidian supporter, his reading nonetheless seems to be one of direct experience. He didn't single out the ulema and explained that three out of the four sub-groups accepted the permissibility of constitutionalism even if they disagreed of its usefulness and method of implementation. Those in opposition along religious grounds were a minority. The positions were indeed diverse as Ottoman thinkers and the ulema were not simply willing to transform or negotiate to necessity of outside intervention, but much internalisation to the Ottoman politics own traditional frameworks of Islam, the Ottoman political traditions and political practice were debated. By 1876/1293 the Ottoman Empire would finally implement its first endeavour with constitutionalism of which the ulema would like during the construction of the *Gülhane* become integral.

The Young Ottoman's Namik Kemal and Ali Suavi explain some of the reasons opposition was faced. They explained as follows, that opponents were not sure if the *tebaa*(people/subjects) were apt in electing representatives. The new consultative method would create complexities on the perogatives of the Sultan to make decisions. The people of the *devlet* in general had no skills for this form of government. The current Ottoman law courts were not ready for such complexities of legal details, and finally the cost of such a venture was not affordable to take from the state treasury.<sup>180</sup> While these consideration seems to present no real religious argument, on closer inspection the objection do concur with concepts that have been written by ulema of the past. The idea of the Sultan being the Imam/Caliph meant that

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<sup>179</sup> Abdulhamit Kırmızı, "Authoritarianism and Constitutionalism Combined: Ahmed Midhat Efendi Between the Sultan and the Kanun-ı Esasi," pp55-57.

<sup>180</sup> İsmail Kara, *İslâmcıların Siyasî Görüşleri* (Dergah Yayınları, 2001).pp97-99

it was indeed important to determine what his authority actually was, any restriction undermined his authority to rule. Arguing that mainstream society and political class were not ready once again placed much emphasis on the qualifications of the Sultan as head of the government and state. And more importantly as will be explained, the role of non-Muslims in being part of the deliberation process of electing the Caliph also has religious undertones that should not be ignored.<sup>181</sup>

Devereux explains that On July 15<sup>th</sup> 1876/Jumada al-Thani 22<sup>nd</sup> 1293 when discussing the key issues regarding the constitution six points were proposed for discussion of which five were in regards to some form of equality and representation of non-Muslims in the *devlet*. These were as follows, firstly, absolute equality between non-Muslims and Muslims in the eyes of the law, second, the eligibility of non-Muslims for all state offices including Grand Vizier,<sup>182</sup> thirdly the creation of a national assembly that composed of four deputies of each province, but twelve from Istanbul, with each religious representative being represented proportionally, fifthly the abrogation of the Sharia provision which repudiated the testimony of Christians and Jews in favour of Muslims, and finally to secure tenure of judges of state and officials in absence of any malfeasance. Some members of the ulema at the time had objected to the proposals of equality with non-Muslims while others contested whether non-Muslim representation in parliament was permissible in accordance to the Sharia.<sup>183</sup> The idea of equality was not only questioned by some ulema as members of other minority groups also asked the same. As a result, additional discussions took place as it was proposed that a commission on the principles of responsibility be organised of ulema capable of applying and reconciling the constitution with the Sharia. The draft was to be studied by the Council of Ministers.<sup>184</sup> The commission consisted of eight members of the ulema with a further two added on Sultan Abdülhamid's request.<sup>185</sup>

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<sup>181</sup> Ibid, p99

<sup>182</sup> The position of Grand Vizier was reserved as only for Muslims.

<sup>183</sup> Devereux, *The First Ottoman Constitutional Period*. pp258-259.

<sup>184</sup> Ahmet Midhat, *Üs İnkılap*. pp195-96.

<sup>185</sup> These names can be found in Devereux, *The First Ottoman Constitutional Period*. p259 Kara Efendi, Commissioner of Fetvas, İsmail Seyfeddin Efendi, Member of the Council of State (*Kazasker*), Ahmed Esad Efendi, *Kazasker* Rumeli, Ahmed Hilmi Efendi, President, Court of Cassation- Civil Section, Mustafa Hayrullah Efendi, President, Üsküdar Civil courts, Ömer Hilmi Efendi, Undersecretary of Waqfs, Emin Efendi, Member, Council of State, Ramiz Efendi, Member, Council of State with Mehmed Sahib Molla Bey, (*Kazasker*) Member of Council State and Âsim Yakup Efendi *Kazasker* of Anatolia added to the list on request of the Sultan. Other people worth of note are Alim Ahmed Cevdet Pasha, Minister of Justice, and Namik Kemal, without portfolio.

The two issues of contention for the ulema were the permissibility of the constitution, and the role of non-Muslims and their representation in the Ottoman Parliament in the decision-making process of an Islamic government. On the matter to do with the constitution itself, Midhat Pasha and Seyfeddin Efendi a *Kazasker*, expressed that Islam and the Quran were not against such a reform and in fact in favour of it.

Seyfeddin explained at length by *akli* (rational) and *nakli* (textual) evidences that *meşveret* [consultation, which he interpreted as parliament] was perfectly in accordance with Islam. To the delight of the constitutionalists who interpreted *meşveret* in their own way. Seyfeddin supported Midhat Pasha with a number of hadith and the Quranic injunctions such as *washawir hum fi'l amri* and *wa ta'muru baynakum bi ma'rufina* (and consult with them upon [conduct of] affairs [111:59]); and (consult together in Kindness.)<sup>186</sup>

While discussions continued the new reality of permitting non-Muslims into parliament was still being debated by the ulema as some continued to be unconvinced if this was in violation with the Sharia or not. In particular Muhyiddin Efendi *ex-Kazasker* of Rumeli and Gürjü Sharif Efendi *ex-Kazasker* of Anatolia rebelled and were sent into exile with all the ulema in their group stripped of their ranks and titles, a move agreed upon by the *Şeyhülislâm*,<sup>187</sup> but perceived as rather harsh by Ahmet Midhat Efendi.<sup>188</sup> The draft committee of 10 members of the ulema of which at least three were of *Kazasker* rank (military legal authority), with the addition of Namik Kemal of the Young Ottomans and *ālim* Cevdet Pasha, pointed to the importance the ulema and Islam featured in the decision-making process. The group in principle reached a consensus that the Ottoman constitution was permitted by Islamic law and worth initiating in the hope that the *devlet*'s fortunes could improve. The constitutional governmental system was as much to do with administrative structuring, the qualification of powers and governmental responsibility as it was regarding Islamic idealism. In this sense, the change was not simply a cosmetic one, its manifestations of the future course of governance and state institutional reconfiguration with Islam being at the basis of political ideology and the ulema as being key stakeholders in the deliberation of the transformation, the introduction of the new change as the guardians of the Islamic basis of governance, points to an

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<sup>186</sup> Berkes, *The Development of Secularism in Turkey*, 1998. p233.

<sup>187</sup> Devereux, *The First Ottoman Constitutional Period*. p260.

<sup>188</sup> Kırımı, ““Authoritarianism and Constitutionalism Combined.” p56.

Ottoman ulema who were still integral to the process of governmental accountability and state transformation.

There are some notes worth attention in Kılıç's work also. She explains that the debates over the constitution were extensive and began prior to Abülhamid II coming to the throne. On the 16th of June 1876/ Jumada al-Awwal 23rd 1293, a commission under the name *Meclis-i Meşveret* convened to discuss the need and merits of a constitution. It must be stressed that the suicide/murder of Sultan Abdülaziz had created fissures within the political class regarding the urgency of the constitution as the contestation between the Palace and Sublime Porte reached an apex that resulted in the death of the Sultan. Thus, a need for deliberation was required so that the internal wranglings did not bring the central authority to its knees. During the discussion process, the officials' discussions were not recorded, as the delegation was not gathered to make decision but rather debate the merits of the constitution.<sup>189</sup> According to Kılıç there were five different versions of the draft constitution, one written by Midhat Pasha, one by the then Grand Vizier Ruştü Pasha, another by Suleyman Pasha, Cevdet Pasha and finally by Namik Kemal. Of which Namik Kemal's and Cevdet's are still not found in the Ottoman archives.<sup>190</sup>

She notes that when Ruştü Pasha and Suleyman Pasha got into a disagreement the *fetva-emine* Halil Efendi expressed his concerns regarding the constitution citing that the masses were not ready for freedom. Cevdet Pasha was initially of the same thinking but both he and the *Şeyhülislâm* showed much indecisiveness regarding the matter.<sup>191</sup> On the 15th of July 1876/22nd Jumada al-Thani 1293, as mentioned earlier Midhat with the backing of Seyfuddin Efendi pushed for the idea of *Meşveret* as being an Islamic principle. However, there seems to be a stalemate regarding the role of Christians in the political process. By now Sultan Murad was removed as Sultan Abdülhamid II was to enter the throne and on the 17th of August/26th of Rajab the draft of Midhat Pasha was preliminarily accepted and given to the various parties to deliberate over. It seems in Istanbul among the educated classes they favoured a constitutional government, as the culmination since the reign of Mahmud II had come to endorse a constitutional document. While Kılıç's work provides more details on the whole both for her and Devereux the *âlim* Seyfeddin's intervention did

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<sup>189</sup> Kılıç, *İlk Anayasanın Hazırlanması Osmanlı Devletinde Meşrutiyet'e Geçiş*.pp37-39

<sup>190</sup> Ibid.,pp37-39

<sup>191</sup> Ibid.

much to sway the ulema in favour or at least not being able to contest the idea from a theological viewpoint.

It wasn't simply ulema who held objections to new constitutional experiment. Those in favour were also pragmatic in recognising that a more reasonable and gradual approach was the best suited for the conditions and reality that had ensued. It is for this reason that we see that when Hayrettin moves from Tunisia to Istanbul to become Grand Vizier and then removed after the suspension of parliament, he nonetheless continued to remain a supporter of Ottoman state and continues to maintain a close relationship to the Hamidian government, recognising the practical complications of such a significant political restructuring. From the Young Ottomans, Namik Kemal and Ali Suavi also were cautious, even though they were strong supporters of the constitutional project.<sup>192</sup>

However, while much deliberation was sought to implement the constitution, within two years the constitutional experiment was abandoned, partially due to the belief that a stout leader was more efficient than the experimentation of constitutionalism and parliament, and also because during the *Tanzimat* period so much of the Sultanates' authority was stripped away by the Sublime Porte, as a result once the Porte was weakened the Palace decided to re-centre authority back into the hands of a strong Sultan mainly in charge of decision-making.

The Ottoman *devlet* was to become embroiled in a costly war with the Russians in 1877/1294 in which losses in the Balkans were blamed on the dithering of the new parliament. The Ottoman loss convinced the Palace that the autocratic system with authority remaining in the hands of the Sultan, and decision-making in the hands of the few, was still the best form of governance. The Hamidian regime's main point of contention were not down to the constitution being contrary to the Sharia, nor the involvement of non-Muslims in parliament, but instead of safeguarding Ottoman suzerainty in the Balkans and Sultanic sovereignty in the capital. Continual Sublime Porte infringement in the running of government was the central cause of Ottoman discontent during the *Tanzimat*, as a shift of authority back into the hands of a 'just' and 'pious' Sultan was thought to suffice in addressing the ailing issues of government and its authority. Young Ottoman and ulema critique had pointed to the weakness of the palace during the *Tanzimat* period which by default handed authority to the bureaucrats of the Sublime Porte, mainly the Grand Viziers

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<sup>192</sup> Kara, *İslâmcıların Siyasî Görüşleri*.p97

Fuat and Ali Pasha.<sup>193</sup> Thus, the strengthening of authority of the Palace was a position held by many. The emergence of the constitution would also indicate this, as the constitution itself provided the Sultan much authority in 1876/1293, it was this authority which allowed the Sultan to suspend the constitution and disband the parliament. The Hamidian state was to emphasise on the premise of the *Gülhane* of placing Islam once again as the centre of governmental politics, but after the weakening of the Palace during the *Tanzimat* period, the Hamidian regime assumed that the constitutional component -which Şerif Mardin called a semi-constitutional charter<sup>194</sup> - of the *Gülhane* was not necessary so long as the Palace was strengthened and practice of appealing to the Muslim social base revived.

According to Feroze Yasamee from this moment onwards the Hamidian regime's policy can be attributed to four key principles: autocracy, conservatism, reform and Islam.<sup>195</sup> However, as mentioned earlier, Islam as an ideal was continually contested throughout the Hamidian period as it had been done throughout Islamic history. Yasamee continued Sultan Abdülhamid was not an ideological politician, he espoused no 'theory' nor did he believe in earthly utopias and in general treated government as a political act.<sup>196</sup> Nonetheless, the increased symbolism, the Friday *selamlik*<sup>197</sup> and culture of veneration espoused by some of the Sufi tarikats around the seat of the Caliphate<sup>198</sup>, often presented the Sultan as an enigma, who took much blame for the culture of Sultan-veneration that came into existence during his reign.

Thus, in 1878/1295, the first constitutional project was forsaken by the Ottoman State, to be re-implemented when the people and political polity were ready, however that time simply never came, as the efficiency of authoritarianism was once again the preferred choice of governance, especially as it was a method well

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<sup>193</sup> Mardin, *The Genesis of Young Ottoman Thought*. p14.

<sup>194</sup> Mardin, *The Genesis of Young Ottoman Thought*. p196.

<sup>195</sup> Yasamee, *Ottoman Diplomacy*. p20.

<sup>196</sup> Ibid. p20.

<sup>197</sup> The *Selamlik* was when the Sultan would go to pray the Friday (juma'a salat/cuma namazi). This act had become a precession once a week where the masses could see the Sultan in public. It was also seen by Selim Deringil as a invented tradition as part of the culture of increased Islamic symbolism. See in Deringil, *The Well-Protected Domains*.

<sup>198</sup> Manastırlı İsmail Hakkı, Mevâ'iz, SM, January 1909, "We have lost a lot of lands...All because of discord, the calamity called custom, excesses or negligence of duty...some of us think that we need only think about the afterlife and nothing else. Such people follow a life of asceticism and piety. Truly they are mystic bigots. This is not the way things should be done but they find it convenient. They consider work and gain irrelevant. They are content with what they have. Resignation, contentment...they do not know what these words mean. Allah forbid, Islam does not condone idleness". See also Küçük Hamdi, "Ruhaniyet ve Ruhbaniyet", BH, 1908/1326.



understood. The nineteenth century witnessed much state transformation. While Mahmud's reign focused on aggressive centralisation and dismantling much of the old regime, the *Tanzimat* period initiated a period of increased bureaucratic and administrative transformation where authority shifted from the Palace to the Sublime Porte. During the Hamidian period, the bureaucratic state remained an important feature from the *Tanzimat*, but authority shifted back to the Palace. While on local administrative levels inclusive governing was practiced where ulema and non-Muslim participation was an accepted pattern, and indeed experimentation of constitutionalism and inclusive decision-making structures were endeavoured, nonetheless the tried and tested model of authoritarianism/autocracy remained the main feature of central government at this point.<sup>199</sup>

The Hamidian state decided rather than placing emphasis on a new structure of governance that instead the ideals of the governance required more attention. The Hamidian state further emphasised the role of Islam in the public sphere, and the Sultan himself embraced the lifestyle of a pious Sultan<sup>200</sup> in the belief that if the Muslims 'returned' to the ideals and values of the past that the Muslims could improve their fortunes once again.<sup>201</sup> This policy succeeded in one way, by solidifying the Muslim base, by increasing the bond between Sultan and the Muslim masses, and by increasing Islam's outwardly appeal in Ottoman life.<sup>202</sup> However, the mismanagement of governance, the demand for responsible governance, and the continual appeal for more inclusivity in the decision-making processes, meant that a gradual increase of oppositional activity, including high-ranking ulema, amplified in favour for the re-introduction of constitutional politics.

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<sup>199</sup> Feroze Yasamee explains that "with hindsight the Sultan argued that the experiment of 1876-1878//1293-1295 had shown the constitution to be 'dangerous and unsafe instrument'...His objections were pragmatic rather than principled. Yasamee, *Ottoman Diplomacy*. p21.

<sup>200</sup> I am not suggesting he became pious simply for political expediency but just stating the point that the increased practice of piety was what was lacking and needed to be initiated from the top and enthused in society. In that sense I am not questioning the sincerity of the Sultan, but making the point of change in policy where the piety of a religious Sultan was seen as a sign of a good leader. This can be seen in the discourse of the *Gülhane*. Abu-Manneh, "The Islamic Roots of the Gülhane Rescript."

<sup>201</sup> In many ways this was a continuation of the *Tanzimat* period.

<sup>202</sup> Engin Akarlı, "The Tangled Ends of an Empire: Ottoman Encounters with the West and Problems of Westernization—an Overview," *Comparative Studies of South Asia, Africa and the Middle East*, Duke University Press 26, no. 3 (n.d.): pp353–66.

## Islam - A Symbol of Governance and Opposition, Authoritarianism and Constitutionalism

Sultan Abdülhamid II was granted more time in authority than many of his predecessors. The ulema quite naturally were also in agreement with the emphasis of Islam in the political culture of the Ottoman *devlet*. However, that didn't negate from many becoming frustrated with the management of Hamidian policies. Şerif Mardin has argued that:

In light of the forgoing it may be stated that upon his accession to the throne Sultan Abdulhamid was faced by an alliance of propagandizers of libertarian ideas (the Young Ottomans), ministers, generals and members of the Ottoman religious institutions [ulema]. What this amounted to was alliance against the Sultan by the 'cream' of the traditional Ottoman estates of 'the men of the sword', 'the men of the pen' and 'the doctors of Islamic law', a formidable array of social and political power.<sup>203</sup>

Ulema opinion and positioning wasn't binary to those who supported the Sultan versus those against, but rather diverse and ever changing. It is true that many high-ranking ulema supported the Hamidian regime and policies implemented by the Sultan for different reasons.<sup>204</sup> It is plausible to assume that the traditional culture of not wanting to facilitate political unrest, especially when the Hamidan state did indeed achieve relative stability was also a reason of much ulema inactivity. One could argue that in fact it was stability, which convinced the ulema that political change was possible as the ruptures would not be detrimental, but by the last decade of Hamidian rule ulema discontent visibly increased. To attain the various ulema positions on Sultan Abdülhamid would be an impossible task. The reasons for opposing the Sultan were also many, however a common theme of ulema discontent similar to the Young Turks was the need for the re-introduction of constitutional politics based on consultation and council.<sup>205</sup>

As mentioned in the last decade of the Hamidian regime, along with the Young Turk intellectuals in exile, increased oppositional activity by some members of the ulema in favour of constitutional discourse was ever-mounting. A constant

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<sup>203</sup> Şerif Arif Mardin, "Libertarian Movements in the Ottoman Empire 1878-1895," *Middle East Journal* 16, no. 2 (1962): pp178-179.

<sup>204</sup> İsmail Kara, "Turban and Fez: Ulema as Opposition," ed. Elisabeth Özdsalga, *Late Ottoman Society: The Intellectual Legacy*, SOAS/Routledge studies on the Middle East ; 3, n.d., p167.

<sup>205</sup> *Ibid.*, p186.

theme throughout Ottoman history, or Islamic history in general is that the ulema have perceived to see themselves as ‘guardians of the faith’. Muslim politics involves competition and contestations over both the interpretation of symbols and control over the institutions, formal and informal that produce to sustain them.<sup>206</sup> Conflicting interpretations of Islam became a feature in the last decade of the Hamidian period, in an increasingly political environment. The balancing of powers is not a case of political harmony but in fact of continual flux, contestation and juxtapositioning. The ulema would contest the Sultan regarding his authority, they would contest the CUP and they would have internal inter-ulema contestations. Balancing of power meant the continual struggle among all these elements, such is the nature of authority and the sharing of power within Muslim politics. The new challenges of growing political consciousness by Muslims and new social tensions made it exceptionally difficult for the Hamidian regime to accommodate everybody. Some members of the ulema supported oppositional activity in parallel to the efforts of the Young Turks, some may have even joined them as members, and the continual call was for the Sultan to re-instate the constitution may not have been opportunistic but in actuality genuine. Michel Foucault explained, “Legitimacy struggles don’t often aim to critique the institution of power, or a group or elite but rather emphasise a technique or form of power”.<sup>207</sup> In this case the critique while in opposition was aimed at Hamidian *İstibdat* (authoritarianism). However, while Young Turk opposition was gaining momentum, ulema opposition had the capacity to de-legitimise the Islamic basis of the Hamidian regime and the understanding between the Young Turks and the ulema to support constitutionalism was a worrying turn of events for the Sultan.

Upon the closing of parliament the Hamidian regime purged Midhat and his supporters from the imperial centre and decided to change tact in regards to safeguarding the fortunes of the *devlet*. One of the first acts in 1878/1295 by the Sultan after the suspension of the parliament was to appoint Uryânîzâde Ahmed Esad as *Şeyhülislâm*. After serving as Kazasker in Rumeli as well as Anatolia, Esad Efendi served as *Şeyhülislâm* from 1878/1295 till 1889/1306. He was a strong believer in absolutist Sultanic authority as well as the Sultan’s non-involvement in the running of

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<sup>206</sup> Dale F. Eickelman, *Muslim Politics*, 2nd ed, Princeton Studies in Muslim Politics (Princeton, N.J., Oxford : Princeton University Press, 2004).p5.

<sup>207</sup> Michel Foucault et al., eds., *The Foucault Effect: Studies in Governmentality: With Two Lectures by and an Interview with Michel Foucault* (Chicago: University of Chicago Press, 1991).p331.

the religious affairs such as the courts, medressa system and overall matters to do within the jurisdiction of the *ilmiye*.

Upon the death of Esad Efendi, the Sultan was to face a series of challenges from segments of the ulema around the *devlet*. Throughout the years 1889/1306 to 1892/1310 there were repeated reports in the British press of conspiracy among the ulema.<sup>208</sup> Upon the death of Esad Efendi, Bodrumlu Ömer Efendi's reign as *Şeyhülislâm* would only last a year as he was implicated in colluding to undertake a coup d'état in 1891/1309. Upon his dismissal Mehmed Cemaleddin Efendi would become *Şeyhülislâm* and would eventually oversee the Young Turk revolution in 1908/1326. If Cemaleddin Efendi was a constitutionalist, he certainly did not make it evident in the earlier part of his time in office. However there were rumours of Cemaleddin on one occasion sitting with Mûsa Kâzım Efendi and Kalender Hasan Efendi speaking against the Sultan.<sup>209</sup> Mûsa Kâzım has always been viewed as a CUP advocate and would later become a key member of supporting the constitution in his writings. As for Cemaleddin, he would later become an integral figure during the revolution and constitutional debates in 1908/1326 where he would declare his intentions in favour of constitutionalism. But prior to that Cemaleddin Efendi didn't publically declare his opinions on constitutionalism as he held a non-committal stance against upsetting the Sultan. It seems that Cemaleddin Efendi's time in office was one of balancing the prerogatives of the Hamidian state whilst also listening to ulema complaints. Although there were suggestions of doubt regarding Cemaleddin Efendi as the Sultan was careful of the *Meşihat*. Nonetheless Cemaleddin Efendi was much trusted by the Sultan also.<sup>210</sup>

While changes were taking place in the seat of the *Meşihat* in Istanbul an increase of the student population in the medressa system became a cause for concern for the state apparatus. Growing tensions between the medressa students and the military came to a head when complaints were made that students were avoiding the military draft by extending their time in the medressa, as medressa students were exempt from military service. In 1892/1310 in Istanbul students ranging from the age of twenty to twenty-five from the provincial areas of mainly Anatolia were seemingly forced onto ships back to their provinces for military service. Administrative failings and aggressive police tactics inferred to many of the students that the Sultan was

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<sup>208</sup> Times (London), June 21, 1890, Also Times (London), September 9, 1891

<sup>209</sup> Tahsin Paşa, *Sultan Abdülhamid*. p41.

<sup>210</sup> Ibid, pp41-44.

punishing them. Although, within three days the Sultan cancelled the policy, nonetheless, the damage had been done.<sup>211</sup> By the end of the year the first placards were posted in Istanbul by the students in the theology department against the Sultan's rule.<sup>212</sup> In response to this, two thousand students were exiled to various parts of Anatolia. This became what Şerif Mardin called a 'cause celebre' in the 1890's which contributed considerably to an increasing unease towards the Hamidian regime from members of the ulema class.<sup>213</sup> The senior ulema were aware that as a result of this the ulema would be perceived as being backwards. Some ulema rejected the stereotyping of the medressa students as a projection line of ignorant persons and squaring responsibility on the ulema. Hocaşade Mehmed Ubaydullah Efendi would example a detailed attack on those who criticised the medressa students, and in 1908/1326 would later reject what he highlighted as arrogance towards ulema.<sup>214</sup>

The startling development regarding ulema discontent pointed towards ulema disobedience never witnessed before during the Hamidian period. A central idea of the Hamidian regime's Caliphal authority was based on loyalty obtained from the Muslims and ulema alike. So long as the Sharia was implemented and the Sultan didn't abuse his prerogatives as the one responsible for the protection of the subjects of the *devlet*, he felt he deserved loyalty from his subjects, no matter how vague his prerogatives were. But a transformation in ulema thought started to transpire of opining that the Sultan was simply an executive authority and he too required being held to account by the Sharia.

Sheikh Yusuf al-Nabahani was an out spoken defender of the Sultan's status, part of the Sultan's *mabeyn* and a *qadi* where he held posts in the Mesopotamia, Baghdad, Damascus and Beirut. After spending time in the Hamidian court he also was appointed head of court in Latakia in Syria and then Jerusalem. Much of Nabahani's political polemical activity was to discredit the *Salafiyya* and *Wahabbi* movements in the Arab provinces. In May/June 1895/1313 he published a pamphlet titled *al-Ahadith al-arba'in fi wujub ta'at amir al-mu'minin* (Forty Hadith Related to the Leader of the Believers) regarding the position of the Caliphate. The

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<sup>211</sup> New York Times, 'Turkish students Arrested', September 22 1892, al-Ahram, 'al-Sufta (al-Talaba) Wa-dār al-sa'adu' 26 September 1892.

<sup>212</sup> Times (London) September 23, 1898 See Also Mardin, *The Genesis of Young Ottoman Thought*. p181.

<sup>213</sup> Mardin., p181.

<sup>214</sup> Amit Bein, "The Ulema, Their Institutions, and Politics in the Late Ottoman Empire (1876-1924)" 2006.pp94-95.

interconnectivity of the Sufi movements along with the readership tradition among ulema circles would suggest that the ideas within conservative Sufi circles had some level of conformity. The opening of the hadith collection was a verse in the Qur'an [Oh you who believes, obey Allah, the Prophet (SAW) and those in authority among you].<sup>215</sup> The collections of Nabahani's work circulated around the idea of obeying the ruler, as well as obedience to Allah and his Prophet. As early as 1895/1313 Nabahani stressed that although disagreement was allowed what was unacceptable was disobedience or revolt. Nabahani also stressed that if a ruler was even oppressive; so long as the Sharia was being implemented then the Muslim community was not allowed to violate their allegiance with the ruler.<sup>216</sup> The state was well aware of the complaints being made against it, not only that but the delegitimising ability of the ulema's complaints meant that the supporters of Abdülhamid's policies continued to stress on the conception that the Caliph as the absolute authority irrespective of conditions. For the likes of Yusuf al-Nabahani, the manner of ones coming to authority, as well as the nature of ones authority are secondary so long as the basic tenants of the implementation of the Sharia was practiced. In doing so he was placing a position within a traditional chain of thought that the Caliph as the guardian of the *ummah* should be trusted in his decisions and authority. This chain of thought focused on unifying the *ummah* around the patriarchal Caliph, differences of opinion or even increasing decision-making to multiple actors would compromise authority, or further more the *devlet*. Unity was based on obedience, as obedience was heavily entrenched in hierarchy and trust in authority simply due to the notion that leadership by default requires trust and obedience. But trust and obedience could not simply be given on the basis that the Caliph by default deserves it because he is in authority. Obedience was also criticised as leading to the submissiveness of Ottoman Muslim society.

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<sup>215</sup> The Holy Quran Surah an-Nisa [4:59].

<sup>216</sup> Amal Ghazal, "Sufism, Ijthād and Modernity, Yūsuf Al-Nabahāī in the Age of Abd Al-Hamīd II," ed. György Hazai, *Archivum Ottomanicum*, no. 19 (2001), pp244-245.

## The Emergence of the Young Turks

In 1889/1307 military medical school students established an oppositional movement that manifested into what later became the Young Turk movement. The movement's establishment coincided with ulema oppositional activity, as increasing momentum was gathering against the Sultan and reinstatement of the constitution. The movement's main objective was to force the government to re-instate the Ottoman constitution of 1876/1293. By 1896/1314 ulema objections became ever present in pamphlets that gradually started to question the idea of obedience to the Sultan.<sup>217</sup> More importantly, a visible trend from this moment was the conceptualisation of consultation as the most fundamental principle of legitimate power. In 1896/1314 both movements activity gathered much momentum as the Young Turk's collaboration with the ulema provided them with the traditional religious legitimacy they lacked. İsmail Kara mentions that one would be surprised that the positivist cadres cooperated with the ulema as its often assumed that the relationship was one of convenience. The ulema had formed their own oppositional groups, even before the overt activities of the CUP. Although there were open supporters of the CUP from the ulema class such as Ubaydullah Efendi, however the ulema chose to remain independent.<sup>218</sup> For varying reason, members from different ideological leanings were either working in collusion or in parallel to one another attempting to re-establish constitutional rule. But as Köprülülü Şeyh Aliefendizâde Hoca Muhyuddin Efendi explained during his visit to the Paris Conference of 1902/1320:

I cannot claim that all of them[Young Turks] are experts in Islamic law, but their aims are based on a council of consensus and on liberty and are in conformity with the canonical laws of the religion of Islam. Even if it were not so, an order for a return to religious legality would be acceptable.<sup>219</sup>

Hoca Muhyuddin Efendi was of the belief that the aims of the Young Turks and their intentions didn't contradict the aims of the ulema in opposition nor their ethical stance. In 1896/1314 the formation of an ulema organ – *Cemiyet-i ilmiye-i Islâmiye*

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<sup>217</sup> Kara believes based on the failure of the stillborn coup attempt and the oppositional campaign where the ulema became visibly more vociferous, that 1896-97/1313-14 was a milestone moment. He also points that this moment was the moment when the CUP and ulema joined in alliance together to demand for a constitution. See in Kara, "Turban and Fez: Ulema as Opposition.", pp169-171.

<sup>218</sup> Hanioglu, *The Young Turks in Opposition*. p50.

<sup>219</sup> Kara, "Turban and Fez: Ulema as Opposition."p169.

was formed in order to enable that the *din* was being correctly administered in the *devlet*, in particular the organ's objective was to hold the government to account in regards to the precepts of Islam. The organ also committed to working with the CUP to establishing this goal. In 1908/1326 in the *Beyan'ül-Hak* a new organisation possibly playing off the *Cemiyet-i ilmiye-i Islâmiye* called itself *Cemiyet-i ittihadiye-i ilmiye* once again stressed that they would work closely with the CUP to ensure that good governance may prevail.<sup>220</sup> It seems that at best, up until 1909/1327 the ulema didn't view the CUP movement as a whole as a positivist organ, but one that had the interests of *din* and *devlet* in mind and one they could guide. Hoca Muhyuddin Efendi a founding member of the *Cemiyet-i ilmiye* in the late nineteenth century although worked with the CUP had stated that he was not a member.<sup>221</sup>

The formation of the *Cemiyet-i ilmiye* formally organised the oppositional ulema. Whereas dissention and opposition was sporadic, the *Cemiyet-i ilmiye* not only managed to focus their call but also vocalise above the action of random agitations. During this moment the ulema and the Muslim intellectual class worked collectively as the Muslim intellectual class in opposition to the Sultan's authority appealed to the ulema by and large to heed to the cause of joining the Young Turks in establishing a constitutional government.<sup>222</sup> Hoca Muhyuddin Efendi himself would appeal to the ulema by association, addressing the ulema in a pamphlet titled *Kanun-i Esasi* (Fundamental Law – Constitution) where he says *Ulema-yı Din-i Islama Davet-i Şer'îye* (An appeal to the ulema) to address the issue of constitutionalism. This twelve-page petition demanded the constitution from the position of the ulema in the *Cemiyet-i ilmiye*. By organising themselves into a organ the *Cemiyet-i ilmiye* presented themselves as a de facto consensus group who represented the interests of the religion, state and ulema. The fact that the journal itself was titled the constitution was an attempt of the ulema's demand for constitutionalism not simply as an ideal but a desire for its implementation. The ulema's appeal and understanding of constitutionalism was far deeper entrenched in a scholarly culture than the rhetorical appeal made by many Young Turks. The publication of the *Kanun-i Esasi* journal was published in Egypt, and begs the question who supported the cause? The appeals made were not simply in Turkish but in Arabic and Hindi too, the authors although sometime anonymous also were not simply from Rumeli or Anatolia but were Arabs,

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<sup>220</sup> Mehmed Fetin, "Cemiyetimiz," *BH*, September 22, 1908/1326.

<sup>221</sup> Kara, "Turban and Fez: Ulema as Opposition." p169.

<sup>222</sup> *Ibid*, pp175-180.



as the *Cemiyet-i ilmiye*'s appeal was wide-scale. Between the years of 1896-97/1314-15 alone publications and appeals intensified by the *Cemiyet-i ilmiye* in support for constitutional government. İsmail Kara's study on the ulema in opposition to the Sultan is the most detailed study of their role and provides a host of pamphlets and articles written in that short period of time.<sup>223</sup> The activities of the *Cemiyet-i ilmiye* were not simply to appeal to the ulema in the imperial capital but was a strategy to build consensus among themselves in favour of a constitution. The pamphlets varied in style and rhetoric but the appeal was consistent. From this moment onwards the *Cemiyet-i ilmiye* had brought to the fore discussions in the public domain on subjects such as the Caliphate, the constitution, obedience versus opposition and the status of the Sultan.

One such article was written by Hoca Şakir in Geneva: *Ulema-yı İslâm enarellahu berahinehum Tarafından Verilen Feteva-yı Şerife* (Sacred *Fetvas* [religious decrees]). In it were a series of *fetvas* answering anonymous questions about the concept of whether retribution was acceptable if person X (in this case called Zeyd meaning the Sultan) had committed a crime, and if it was lawful for him to be killed. The cleverly constructed set of questions, implied by using generic life examples to represent the rule of the Sultan. In *fetva* 3 it says 'If Zeyd, encourages people to kill, who should be punished, Zeyd or the person who committed the crime?' the answer read as follows 'Zeyd should be punished as even if his command

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<sup>223</sup> Kara.p192 The titles enumerated below were published in 1896/1313; in 1897/1314 their numbers doubled.

- i. A virtuous scholar: *Ulema-yı Din-i İslama Davet-i Şer'îye* (A Religious Appeal to the *Ulema*) Egypt, 1314.
- ii. A person from the distinguished *ulema*: *el-Maksud min Mansıbi ' l Hilafe*, Egypt, 1314 (in Arabic).
- iii. El-Osmani Nasıru ' l Hak (a person from the Arab *ulema*): *ed-Davetu ile'l- İttihad li Def'i Gavaili'l-İstibdad*, Egypt, 1314 (in Arabic).
- iv. Tunalı Hilmi: *İkinci Hutbeel-Ulema Veresetü'l-Enbiya* (The Second Sermon: *Ulema* as Inheritors of the Prophet), Geneva, 1314.
- v. Hoca Şakir: *Ulema-yı İslâm enarellahu berahinehum Tarafından Verilen Feteva-yı Şerife* (Sacred *Fetvas* [religious decrees]. Given by Ulema of Islam, May God Enlighten Them), Geneva, 1314.
- vi. A person capable in the external and internal sciences: *İmamet ve Hilafet Risalesi* (Pamphlet on the Imamate and Caliphate). Published in the newspaper *Kanun-ı Esasî* in installments, 1315.
- vii. Abdülcemil from Peshavar, a Mevlevi Hafız (one who knows the Koran by heart): *ez-Zaferu'l-Hamidiyye fi İsbati'l-Halife* 1315 (written in Hindi) in the University of Marmara).

is not direct, his decision as a form of coercion is binding'.<sup>224</sup> In another *fetva* it legitimized a non-Muslim killing Zeyd, so long as the victim who was a Muslim was present.<sup>225</sup> *Fetva* 12 asked if the Muslims were in a sorry state due to Zeyd's leadership and policies do the Muslims have the right to overthrow Zeyd? The answer once again was 'Yes'.<sup>226</sup> *Fetva* 13 asked if the Muslims were living in hardship, which is worse, to live in hardship or to overthrow the ruler as both are undesirable in Islam. The answer given was to overthrow the leader.<sup>227</sup> The style of the *fetvas* was indeed an alarming use of legitimizing the killing of the Sultan, a style similarly used by the Young Ottoman Ziya Pasha who had written in the *Hürriyet* in 1869/1285, "According to the most reliable Islamic sources, the tyrant and those that help him, should be killed. This is an obligation. And Ali Paşa is that tyrant".<sup>228</sup> It is worth of note that while in the *Tanzimat* period such suggestions would never have been aimed at the Sultan, by the Hamidian period much had changed. Although the universal issue was so-called state oppression, nonetheless, this was indeed a unique stance held by Hoca Şakir. However, it is quite clear that killing the Sultan was not what the *fetva* were actively endorsing, instead the attempt was simply to deligitimise the Sultan. It is not clear how these pamphlets were internalised, however one must assume that both ulema in exile from Istanbul and the Arab ulema must have resonated with one another's opinions.

There were many ulema exiled from Istanbul to Egypt as Cairo became a hub of ulema oppositional activity, which also included Arab ulema. What makes Cairo also a point worth noting is that the Egyptian ulema themselves were weighing up the merits of constitutional discourse due to the firstly the impact of the conflict between Mehmed Ali and Sultan Mahmud II and then later the events of the Urabi revolt in 1881/1298 as the likes of the Mufti of al-Azhar Muhammad Abduh had been in favour of constitutional governance. In various articles Abduh praised a 'certain *Cemaat-i Kerime*' (The Noble Party) for working courageously to realise the unity of Islam, supporting the principles of justice and the Sharia, and spreading the idea of freedom. Abduh mentions in one of his articles that this *Cemiyet-i Saliha* (The Pious

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<sup>224</sup> Hoca Şakir, "Ulema-Yı İslâm Enarellahu Berahinehum Tarafından Verilen Feteve-Yı Şerife," in *Hilafet Risâleleri*, ed. İsmail Kara, vol. 2 (Istanbul: Klasik, 2002).

<sup>225</sup> Hoca Şakir, "Ulema-Yı İslâm.

<sup>226</sup> Ibid.

<sup>227</sup> Ibid.

<sup>228</sup> *Hürriyet*, 20 Aralık 1869/1286. "İslam'ın fıkıh kitapları zalimin ve zalime muavin olanların katline fetva verdiler ve billahi'l-Kerim katli farz olan kafir ve zalim Ali Paşadır" .

Association) had began to publish a newspaper in support of the constitution. In 1908/1326 this newspaper according to Muslim thinker Mehmed Âkif Ersoy was one of the newspapers published by Hersekli Hoca Kadri Efendi, a member of the CUP in Egypt and Âkif's teacher.<sup>229</sup> Another *âlim*, Ubaydullah Efendi for example travelled abroad and was critical of the Hamidian regime. In 1898/1314 he returned to Istanbul after making his peace with the Hamidian authorities, yet renewed his activities and was once again sent into exile, this time to the *Hijaz*. After five years there, he managed to escape to Egypt where he joined the ulema in opposition there.<sup>230</sup>

The translocal connection between the ulema should not be ignored, as although it is difficult to substantiate what type of impact the acts of Hoca Muhyuddin Efendi or the pro-constitutionalist ulema and the like had, it mustn't be discarded that the ulema as a networked group were debating, discussing and influencing one another. The fact can not be denied that constitutionalism was 'in the air' within ulema circles not only in oppositional circles but the Ottoman *devlet* and Muslim world as a whole, as a debate which would have probably been internal were now being made public, via traditional means of pamphlets, petitions and circles.

It seemed that to some degree the ideas were indeed resonating with ulema within the Ottoman domains. In Egypt in 1896/1312 it was said a pamphlet was circulating in religious circles arguing the lawfulness to depose the Sultan.<sup>231</sup> In Damascus in 1896/1312 Sheikh Badr al-Dīn al-Hasanī headed a circle of religious students and young sheiks, some of whom also published in a journal titled Haqā'iq. Badr al-Dīn was implicated in what came to be known as the mujtahid's incident of 1896/1312, when his alleged denunciation of Ottoman rule led to the governor suspect that the local ulema were campaigning against the Sultan.<sup>232</sup> In 1898/1314 the Mufti of Gaza, his son and brother were arrested and sent into exile for their positions against the Sultan.<sup>233</sup> In 1899/1315 the Sultan sent a telegram to the British

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<sup>229</sup> Selçuk Akşin Somel, " 'Sırat-ı Müstakim: Islamic Modernist Thought in the Ottoman Empire,' " *The Journal of the Middle East Studies Society at Columbia University* 1 (1987): pp55–80. According to Somel, Hoca Kadri was Mehmed Akif's teacher. Mehmed Akif would during the Second Constitutional Period become the editor of the *Sırat-ı Müstakim* journal in which many articles promoting constitutional theory would be published.

<sup>230</sup> The Washington Post, "An Interesting Turk: Muhammad Ubey-Allah, of Constantinople, Tells of his Mission to America", 10 June 1894.

<sup>231</sup> PRO F.O 424/189, *Currie to Sailsbury*, Constantinople, October 1 1896.

<sup>232</sup> Commins, *Islamic Reform*. p110.

<sup>233</sup> Elie Kedourie, "The Politics of Political Literature: Kawakabi, Azouri and Jung," *Middle Eastern Studies* 8, no. 2 (1972). p228.

Ambassador to Egypt telling him that wicked persons have formed a committee there.<sup>234</sup>

In 1901/1319 news was reported that a CUP volunteer and *ālim* named Cudizâde Sabit Efendi was arrested in Adana.<sup>235</sup> In the same year in Damascus, Abdulhamid Zahrawi an *ālim* from Homs was arrested and imprisoned. Zahrawi who would become a supporter of the Young Turk movement and an elected member of parliament in 1908/1326 was publishing a clandestine newspaper called *al-Munir* which was secretly being published to support the Young Turks. Zahrawi would once again be arrested for penning an article in *al-Muqattam* ‘containing a violent attack on the Sultan and a denial of his rights to the Caliphate’. However, in front of a council Zahrawi would deny the claims suggesting that it was not his denial of the Sultan’s right to the Caliphate but an indictment of his Majesty as a person unfit to hold the august and sacred office of Caliph’. This was another harsh attack on Abdülhamid, a tactic that was being executed in order to humble the central authority for leverage. Sheikh Rashid Rida himself a close ally of Zahrawi was hesitant at times regarding the nature of Zahrawi’s attack as Rida felt that this could have had counter productive consequences, especially as the masses also required protecting from ideas they had very little knowledge of. It was claimed that the CUP branches in Syria and Egypt were supported by a considerable number of ulema.<sup>236</sup> Whether as David Commins explained this was the influence of Midhat Pasha’s time as governor of Syria, is hard to know, but what can not be disputed is that ulema ideals were resonating with one another in the region.<sup>237</sup> In 1906/1324 Zahrawi would flee to Cairo where he took a public role publishing articles regarding his ideas on the *devlet*.<sup>238</sup> In 1905/1323 in Beirut the British Council reported that an *ālim*, Hadji Muyuddin Hamady was suddenly arrested on orders of Istanbul because the *vali*(governor) alleged, he was connected with an anti-Turkish party in Egypt and suspected of being in league with his relative the Mufti of al-Azhar Muhammad Abduh. To support his contestation, the *vali* declared that commentaries of the Quran by Abduh were found among the arrested man’s papers. In Baghdad in 1905/1323

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<sup>234</sup> PRO F.O 78/4995 O’Conor no-439 Confidential, Therapia, September 13, 1899

<sup>235</sup> Şükrü Hanioglu, “The Young Turks and the Arabs Before the Revolution of 1908,” in *The Origins of Arab Nationalism*, ed. Rashid Khalidi (New York: Columbia University Press, 1991).p41.

<sup>236</sup> Hanioglu, “The Young Turks and the Arabs Before the Revolution of 1908,” . p39.

<sup>237</sup> Commins, *Islamic Reform*.pp90-95.

<sup>238</sup> Rashid Khalidi and Ahmed Tarabein, eds., “ ‘Abd Al-Hamid Al-Zahrawi: The Career and Thought of an Arab Nationalist,” in *The Origins of Arab Nationalism* (New York: Columbia University Press, 1991). p98.

*ālim* Mahmud Shukri Alusi who also would become a CUP member in 1908/1326 was arrested along with his cousin and a madressa teacher Abdul Razzaq Efendi of the A'zamiyya School and deported for allegedly supporting Wahabbist ideology.<sup>239</sup> In 1907/1325 it was written in the *al-Manar* journal that a certain Sheikh Rashid Rafiq al-Azm had established a political organisation called the *Jam'iyat al-Shura al-Uthmaniya* (The Ottoman Consultation Society) whose objective was to bring all Ottomans together.<sup>240</sup> The very idea of obedience to the Caliph was started to be questioned by the ulema as obedience in itself would weaken the concept of absolute authority of the Caliph. It seems that throughout the late Hamidian period, there was a sense of oppositional activity that was ever increasing within the ulema circles. Even within the Iranian context, Shi'i ulema were reflecting similar ideals to their Ottoman counterparts regarding constitutional theory and inclusive governance to reflect an efficient state structure that would shore up authority and restrict outside influence, with the Iranians going through a revolution of their own in 1905/1323.<sup>241</sup> Constitutional governance had crossed sectarian lines and was being debated across the Muslim world. Although many others may not have rebelled against the Sultan, but by 1908/1326 their open support once the political conditions had changed suggest that ulema sympathy from within their own traditional scholastic framework was starting to facilitate a new transformation of political authority. This point is worthy of mention as what the Ottoman *devlet* along with the ulema were doing were to uphold their traditional conception of a Caliphate system and amalgamate it with a constitutional parliamentary one. In doing so although much conflict took place between practice and theory, the discussions in opposition as well as gradual state transformation had set the groundwork for the constitutional debates of the revolutionary period.

By July 1908/1326 the oppositional activity would come to a head, as a group of young army soldiers as members of the Young Turks would rebel against the central government. Using Islamic symbolism in the name of justice and slogans resembling French Revolutionary ideals, the Albanian provinces were to create a stir

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<sup>239</sup> Elie Kedourie, "The Young Turk Revolution in the Arab Speaking Provinces of the Ottoman Empire," in *The Origins of Arab Nationalism*, ed. Rashid Khalidi (New York: Columbia University Press, 1991).p126.

<sup>240</sup> *al-Manar*, pp950-51.

<sup>241</sup> Muhammad Husayn Na'ini, "Government in the Islamic Perspective," in *Modernist Islam 1840-1940, A Sourcebook*, ed. Charles Kurzman (Oxford University Press, 2002); Nakash, *The Shi'is of Iraq*.

that was to become irreversible. The ulema's positioning would become instrumental, and it seems that ulema oppositional ideas resonated in the ideals of the ulema in support of the constitutional regime, thus suggesting there was indeed a link between ulema ideals propagated during the late Hamidian period and the period of revolutionary activity.

## Chapter 2 – The Constitutional Revolution

### Alternative Actors - The *Ulema* Matter

Historians have overwhelmingly presented the Constitutional Revolution of 1908/1326 as the milestone moment in which the re-introduction of the Ottoman Constitution once again became actualised in late Ottoman history. The narratives often centred on a revolution initiated by the Young Turk officer and his desire to demand change for an inclusive system of governance that included increased political freedoms and the re-introduction of a parliamentary-monarchist system. While there is no doubting this, the role of the Ottoman ulema has somewhat largely been ignored in these interpretations. Since much of the revolutionary activity was achieved due to Muslim support both in the Macedonian provinces<sup>242</sup> and Istanbul, it is worth asking whether the ulema had any role in supporting the revolution or whether they resisted.

Through out this thesis there has been an attempt to show the connectivity of ideas and activity throughout the Ottoman domains, rather than simply focusing on Istanbul. As a result a main point of this chapter is to examine how provinces in the Balkans were the catalyst for change in the centre. This feeds back to my initial point in the introductory chapter on viewing the Ottoman *devlet* as centre -provinces and not centre-periphery. Furthermore, the ulema in both the Balkan provinces and centre became important actors for change.

As a result, in this chapter I shall focus on the role of the ulema during the Constitutional Revolutionary movement of 1908/1326 as it is my contention, as shall be presented, that without ulema participation the actualisation of the return of the constitution would not have been possible, which included the ulema in the provinces as well as the centre. Such widescale ulema involvement could refer to largescale conspiracy from the religious establishment, but on closer examination it rather

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<sup>242</sup> Nathalie Clayer has comprehensively explained how the emphasis in the region was on the Albanian provinces which included the *vilayet* of Yanya, the *vilayet* of İşkodra, all or part of the *vilayet* of Kosova, and the western part of Manastır, simply due to the activities being linked to the Macedonian provinces, I have chosen to use the term Macedonian provinces. See in Nathalie Clayer, “The Time of Freedom, the Time of Struggle for the Power: The Young Turk Revolution in the Albanian Provinces,” in *The Young Turk Revolution and the Ottoman Empire - The Aftermath of 1908* (London: I.B.Tauris, 2017).p113

explains how the Hamidian regime had simply become embroiled in a changing Muslim world in which a consciousness within the Muslim educated class had now favoured a constitutional style of governance over an authoritarian one. This was not unique to the Ottoman *devlet* as ideas on Islamic/Islamicate constitutionalism were promoted as the ideal throughout the Muslim world, as the modern modes of connectivity such as the printing press, telegrams and improved modes of travel made the networked Muslim world far better connected, as ideas resonated and reflected greater accountability from its leadership throughout the Muslim world at the time.

This chapter shall be divided into the three main junctures regarding ulema activity during the Constitutional Revolution in the summer of 1908/1326. These three phases not only highlight the ulema's importance regarding the success of political change but also how the ulema in a variety of ways supported the political change whether that be as provincial actors in the Balkans, official state actors in the imperial centre or social activists throughout the domains as can be seen once the declaration of the reinstatement of the constitution was made. It shall be shown that in all three junctures the ulema's actions were instrumental for the successful change to be realised and that the success of the revolution was not simply due to Young Turk military support, but co-operation by the religious establishment.

The first juncture shall examine the role of the ulema in the Macedonian provinces, especially their activities in the famous meeting that took place in the Ottoman Albanian province in the city of Firzovik (Ferizaj in Albanian, or Uroševac in Serbian), which was the largest Muslim gathering in the Balkans in late Ottoman history. As shall be explained it was this gathering that swung momentum in the favour of the Young Turks of which ulema involvement was in fact central for Young Turk success. The second juncture was the role of the *Meşihat* (the office of the *Şeyhülislâm*, who was the highest ulema official of the Ottoman State) in the governmental centre and how integral this office became towards compelling the Sultan to reinstate the constitution. The final juncture will present the role of the ulema in consolidating the revolutionary aims of the constitutionalist after its promulgation of which they were an important part.

Although much of the material written on the constitutional revolution focuses on the Young Turk officer as the key protagonist, placing special attention to the intellectual legacy of the Young Turk thinker, as mentioned very little if anything is



mentioned of the importance of the ulema.<sup>243</sup> This is not to suggest that the ulema were central to the revolutionary activity or to suggest that the Young Turk's activity was not indeed dominant to the political change, as the overwhelming evidence points to the centrality of the Young Turk in Macedonia during this period. However, ulema activity was indeed vital for the success of the ambitions of the Young Turk to be realised. Without the ulema the probabilities of accomplishment were minimal or at worst, bloodshed was the likely outcome, especially as this was a turbulent moment of much uncertainty in the Hamidian period. Hence, the point of contention is to present an inclusive narrative of participation during the constitutional change not simply restricted to the narratives of the Young Turk and in fact it could be argued that the two constitutional checks of Sultanlic authority – the military and ulema- had once again formed an alliance to restrict so-called Sultanlic authoritarianism.

In regards to the ulema, during moments of flux and crises in Muslim societies the Muslim community often seeks ulema mediation. The Constitutional Revolution was such a moment, as the Young Turks appealed to the Muslim sensitivities of the Albanians and in particular sought ulema involvement, recognising their authority to attain the support of the Muslim masses and being the only authority to deligitimise Caliphal authority. It is thus pertinent to evaluate whether Young Turk success was facilitated by the ulema, as the revolution initially agitated Muslim sensitivities, and the demands were for a constitution that derived from Islam that would safeguard the *devlet*, save the Ottoman Muslim community and revive religion. Although the proclaimed slogans during the Constitutional Revolution reflected those of the French Revolution of *liberté, égalité* and *fraternité* or in Turkish as *hürriyet, müsavat ve uhuvvet* (freedom, equality and fraternity), nonetheless these proclamations of belonging to a progressive European world would have circumvented many of the Muslims the Young Turks tried to instigate. Instead additional traditional Islamic slogans rooted in ulema discourse such as *âdalet* (justice) and *meşveret* (consultation) reflected a revolution of multiple slogans attempting to resonate with multiple audiences. As a result, ulema involvement in the narratives should provide an alternate presentation of the Constitutional

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<sup>243</sup> Hanioglu, *The Young Turks in Opposition*; Hanioglu, *Preparation for a Revolution*; Ahmad, *The Young Turks*; Turfan, *The Rise of the Young Turks*. Zürcher, *The Unionist Factor*; Erik Jan Zürcher, *Turkey : A Modern History*, New rev. ed. (London : I.B. Tauris :, 1998); Erik Jan Zürcher, *The Young Turk Legacy and the National Awakening : From the Ottoman Empire to Atatürk's Turkey*, Library of Modern Middle East Studies ; (London : I. B. Tauris, 2010). Ahmad, *The Young Turks*; Aykut Kansu, *The Revolution of 1908 in Turkey*, Social, Economic and Political Studies of the Middle East and Asia ; (Leiden : Brill, 1997).

Revolution and the complex debates regarding inter-Muslim contestation over the symbols of authority, legitimacy and faith.

It is also worth noting that while much of the works on basis of Ottoman Constitutionalism have pointed to the earlier intellectual debates of the Young Ottomans' invocation to Islamic political ideals within a modern context, what must be stressed is that the ulema were not adverse to such ideas nor were they detached from the Muslim thinkers during the *Tanzimat* period. In many ways they were part of the intellectual geneology of both the practice and theorisations of Islam being central to constitutionalism, which is testimony to their religious and intellectual authority along with the Young Ottomans throughout the mid-nineteenth century.

Likewise ulema opposition to Hamidian *istibdat* was not simply due to Young Turk influence but once again points to the ulema having their own agency and belonging to a lengthy political and scholastic tradition that pre-dated nineteenth century activism. Thus, although ulema actions during the Constitutional Revolution were as much to do with the conditions of the Hamidian period, nevertheless their solicitation to the calls of justice, consultation, council and the Sharia had much to do with their own long history of intellectual tradition and their political role within Ottoman state and society. Furthermore, while in rhetoric the Young Turk affiliated himself with the ideologues of the Young Ottomans or even Grand Vizier of the First Constitutional experiment – Midhat Pasha, in reality it was ulema connectivity to the Young Ottomans that continued a geneology of constitutional thought and practice from the *Tanzimat* to Second Constitutional Period with members of the ulema such as Mûsa Kâzım Efendi and Molla Sahib Efendi as just some examples, who were close to the Young Ottomans and also supported the revolution, unlike the Young Turk officer who neither met a Young Ottoman thinker nor Midhat Pasha. The point of stress is that the ulema as a traditional class were an age-old established institution; their centrality to constitutional tradition was far deep rooted in Ottoman history than the newly formed movement of the Young Turk. That is not to say that neither the Young Ottoman nor the Young Turks had no influence on the ulema, but is to stress first that the ulema had always been part of the constitutional traditions of Ottoman statecraft, and secondly that the intellectual relationship between the ulema and Muslim thinkers/activists should be viewed as a reciprocal relationship where influences and activities intermeshed, were shared and there was far more interaction both active and tacit. It is with this in mind that one should frame the ulema's support

of the Constitutional Revolution in 1908/1326 as both past and present came to a head in order to protect the future.

## **The Constitutional Revolution of 1908/1326 – The Revolutionary Narratives**

Revolutions are copiously plentiful for history writing, for narrative, especially for the creation of champions, myths and legends. Revolutionaries are presented as heroes, idols and symbols who embody the new, the change, who save nations or in this case a *devlet* from a so-called ‘despotic’ regime. Revolutionary narratives are often entrenched by euphoria, confusion and chaos, by multiple narratives and actors, and yet narratives are often told of the few, in most cases from the perspective of self-projected heroes. It comes as no surprise when historical narratives of revolutions are restricted to the reflections of the protagonists of the official historiography, as the victors of the revolution attempt to navigate legitimacy regarding their aims. The narratives of the victors become the official narrative that dominates the possible alternatives. In the case of the constitutional revolution, it was deemed as a Young Turk revolution, the first ‘revolution’ of its kind in the Ottoman world, which introduced the French revolutionary ideals of *liberté*, *égalité* and *fraternité* to the *devlet*. Upon inception of the constitutional change the Young Turks had already started to document their accounts and memoirs as the official narrative was presented from their point of view.<sup>244</sup>

The narratives of the Revolution of 1908/1326 have seldom accounted for actors behind the scenes as the soldier with the musket was paraded as the hero, and very rarely did the man with the pen or turban find space for his story to be told. The manner in which the celebrations of the revolution were enclosed were shrouded by the symbolism of the military personal of the Macedonian provinces, especially the imagery surrounding the actions of the two military protagonists Niyazi and Enver Bey.<sup>245</sup> But recently an addition to the studies on the Constitutional Revolution have

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<sup>244</sup> PRO.F.O 371/546 40865 *Sir G.Lowther to Sir Edward Grey*, March 29, 1909. “The CUP had decided to write their history of which Niyazi Bey’s memoirs had already been sent to the press. Extract was taken from “Ittihad ve Terakki” of November 10, 1908.

<sup>245</sup> Clayer argues that the Young Turks used various propaganda techniques after the revolution in the form of festivities, demonstrations, speeches, leaflets and bills and actions to maintain the euphoria of the Constitution. Clayer, “The Time of Freedom, the Time of Struggle for the Power: The Young Turk Revolution in the Albanian Provinces.” p120

started to provide a rather complex and detailed account of the Revolution from the perspective of alternate actors and peoples. Recent studies on the position of minorities have further enhanced our understanding of the multifarious nature of the revolution of 1908/1326. The position of Jews, Greeks, Armenians and Arabs have all come to light, thus contextualizing the impact of the revolution upon the various minorities of the Ottoman domains and their involvement in the endeavour.<sup>246</sup> What it indicated was an inclusive association that although had mixed result was initially supported by the various minority groups with varying degrees of participation. Nader Sohrabi also fittingly placed the Constitutional Revolution of 1908/1326 within a series of revolutions around the world such as Iran and Russia as part of a second-wave of global constitutional movements in the early twentieth century, which have no doubt contributed fruitfully, adding to our understanding of the Constitutional Revolution of 1908/1326 within a global context.<sup>247</sup>

Additionally, it is indeed worth asking how revolutionary ideals evolve after and during a revolution. Teleological readings of revolutions are often based on the success or failure of revolutions. If successful such as 1908/1326 they are presented as positive revolutions for change, yet failure such as the so-called Counter-revolution of 1909/1327, they are then presented as revolts, this is mainly because the victors are the ones who establish the narratives. There can be no doubt that revolutions create disorder and this can be seen in the Ottoman context where the CUP had actually destabilised local and central authority. When examining the historiography of different revolutions worldwide they show the idea of continuity between ideas, their diffusion and political change is an established assumption to conceive revolutions. But on closer inspection revolutions at the time are far more erratic experiences.<sup>248</sup>

Yet, most works continue to focus on the official of the Young Turk mainly within the *meta-narrative* of the Constitutional Revolution being inspired by the

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<sup>246</sup> Feroz Ahmad, *The Young Turks and the Ottoman Nationalities : Armenians, Greeks, Albanians, Jews, and Arabs, 1908-1918* (Salt Lake City, [Utah] : The University of Utah Press, 2014); Michelle U. 1971- Campos, *Ottoman Brothers : Muslims, Christians, and Jews in Early Twentieth-Century Palestine* (Stanford, Calif. : Stanford University Press, 2011); Bedross Der Matossian, *Shattered Dreams of Revolution : From Liberty to Violence in the Late Ottoman Empire* (Stanford, California : Stanford University Press, 2014).

<sup>247</sup> Sohrabi, "Global Waves, Local Actors"; Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*.

<sup>248</sup> Erdal Kaynar, "The Logic of Enlightenment and the Realities of Revolution : Young Turks after the Young Turk Revolution," in *The Young Turk Revolution and the Ottoman Empire - The Aftermath of 1908* (London: I.B.Tauris, 2017).p43

French Revolution. Scholars of different assumptions established links to the Enlightenment, especially when works were examined from European archives. European diplomats for examples not only stressed such points but simply emphasised on the military aspect of the revolutionary movement, reducing ulema or/and civil activity.<sup>249</sup> Very little mention is given to the importance of the role of Islam as a mobilising factor, nor of the ulema that held the highest moral agency regarding such an emotional period of religiously inspired rhetoric and symbolism.<sup>250</sup> While the slogans of *liberté, égalité* and *fraternité*, nonetheless the Islamic slogans of justice (*Adâlet*), consultation (*Meşveret*) and the Sharia were also proclaimed, creating a space for multiple slogans and symbols to be used in the public sphere. According to Şükrü Hanioglu the Young Turks and their ideas reflected a syncreticism. On the one hand they endorsed the ideas of Darwin in understanding social life, Gustave Le Bon's on the psychology of the masses and at the same time the mottos of the "liberty, equality and fraternity" on the other. In addition the concept of "justice" was also used, derived from Islamic rhetoric in an attempt to move the Muslim masses.<sup>251</sup> François Georgeon explained that in the wake of the Revolution the Young Turks used the four-word slogan 'Freedom, Equality, Justice and Fraternity', thus inserting justice, a notion rooted in Islamic image, in French revolutionary triptych, because they had to justify their actions to rally the Muslim masses.<sup>252</sup> It must be added however, that reducing this type of language to simply ideals generated by Young Turk activists at the time might negate from how these terms had already become interlaced within *Tanzimat* idealism thus negating away from ideals that had already been known by some Muslim sectors of Ottoman society. Âlim Elmalılı Hamdi Yazır would later express how these ideals had already existed

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<sup>249</sup> Kaynar, p43

<sup>250</sup> Hanioglu mentions the ulema in his work, see Hanioglu, *The Young Turks in Opposition*; Hanioglu, *A Brief History of the Late Ottoman Empire*, 2008. Also there is mention in the Albanian provinces by Gawrych in George W. Gawrych, *The Crescent and the Eagle: Ottoman Rule, Islam and the Albanians, 1874-1913* /, Library of Ottoman Studies ; (London ; New York : New York : I.B. Tauris ;, 2006).

<sup>251</sup> Hanioglu, *Preparation for a Revolution*. See also Vangelis Kechriotis, "The Second Constitutional Period of the Ottoman Empire: A Disputed Legacy," in *Contested Sovereignties, Government and Democracy in Middle Eastern and European Perspectives*, ed. Sune Persson and Elisabeth Özdalga (Istanbul: Swedish Institute, 2009), 33–46.

<sup>252</sup> Clayer, "The Time of Freedom, the Time of Struggle for the Power: The Young Turk Revolution in the Albanian Provinces." p120

in the *Mecelle* which was written in 1876/1293.<sup>253</sup> The interplay and mesh of multiple symbols and ideals, some perceived as Islamic and others Western, constructed hybrid spaces and paradigms of contestations that exploded into the public domain once the relaxation of freedom of speech was introduced in 1908/1326 after the reinstatement of the constitution. While slogans of freedom were being espoused for internal Young Turk consumption and possibly outside utilization, it is clear that the average Muslim neither understood nor cared for French Revolutionary idealism, instead what motivated them needs further investigation, as it seems more practical concerns were on their minds. It is assumed in a period where Western ideals became the predominant discourse that the Islamic simply became secondary only to reveal its ‘reactionary’ head during the failed Counter-Revolution attempts of 1909.<sup>254</sup> Yet, the revolutionaries of 1908/1326 didn’t shy away from exploiting religious sentiment during the revolt of 1908/1326, in which without some form of Muslim co-operation, the success of the revolution hung in the balance.

It is understood by Şükrü Hanioğlu, Zafer Toprak and Eric Jan Zürcher that the Constitutional Revolution of 1908/1326 was a Turkish nationalist one, which was at the core of the CUP programme. They argued in different ways that the Turkish nationalist alternative was the only alternative for the survival of the Ottoman state. In particular Hanioğlu’s point that Turkish officers who “had learned to admire the nationalist movements against which they were fighting “ requires investigation as the revolutionary movements were in the Balkans,<sup>255</sup> especially the Albanian Muslims which points to a more complex picture of Albanian Muslim identity concerned with their local struggles as well as the role of the Caliph and Sharia. Thus, while Zürcher has gone some way in coining this feeling as “Muslim nationalism”, nonetheless on closer inspection, nationalism in this period from the Muslims in the Balkans, and the ulema is still not evident either in action or their works and this could be a re-reading by historians who have focused on Turkish studies.

It is also worth viewing the revolutionary activity of 1908/1326 not simply as the actions in the three weeks of July in the Macedonian provinces. In many ways the

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<sup>253</sup> Elmalılı M Hamdi Yazır, *Osmanlı Anayasasına Dair - Kanun-I Esâsî “Nin 1909 Tadiline Dair Rapor ve Mehâkim-I Şer”iyye ve Hükkâm-I Şer’ Kanunu Esbâb-I Mûcibe Mazbatası*, trans. Asım Cüneyd Köksal (Istanbul: Klasik, 2018).pp50-55

<sup>254</sup> Berkes, *The Development of Secularism in Turkey*, 1998; Lewis, *The Emergence of Modern Turkey*.

<sup>255</sup> Kechriotis, “The Second Constitutional Period of the Ottoman Empire: A Disputed Legacy.”pp37-38

revolts in the Balkan provinces led to a more profound attempt to re-shape the governmental structure and society, thus it could be argued from this point that the revolt was in fact a revolution. In that sense, the impact of the revolt and manner in which the constitution was reinstated subsequently led to the ‘Counter-revolution’ due to the fissures created by the CUP’s policies. I argue that the ‘Constitutional Revolution’<sup>256</sup> in July 1908/1326, the resulting celebrations and festivities, the reinstatement of the constitution and parliament but now in a different guise to that of 1876/1293, and the resulting resistance to CUP policies as a counter-revolution that led to the dethronement of the Sultan and hurried constitutional amendment, lends to the idea that the revolution was a prolonged phase rather than a solitary three week moment. Furthermore I reject the implied dichotomy of ‘secular nationalist’ revolution of 1908/1326 and ‘Islamic reaction’ of 1909/1327. This is because Islamic language was used on both occasions, Muslim actors moved on both occasions. What we instead see is a Muslim movement in 1908 against the Sultan, and then a reaction to failed promises by the new government that spiralled into a ‘Counter-Revolution’ by the disenfranchised factions. Thus, the Constitutional Revolution of 1908/1326 encompassed processes up until the undertakings of 1909/1327 as well. As a result it is worth viewing this in mind as revolutionary activity includes post-revolutionary activity, contestation and reaction. Revolutions are processes and the Constitutional Revolution was no different.

The Revolution of 1908/1326 also raised issues of terminology at the time, as the idea of revolution was indeed somewhat novel for the mass Muslim audience. As a result outward celebration of subjugating the Sultan were avoided. Nor was there an attempt to antagonise the Islamic sentiment of the large Muslim public. Ottoman writers felt it was worth pointing to their readership that the constitutional movement was a necessity for state transformation, but not a revolt. In the Ottoman context the word used to describe the activities of the revolutionaries was *inkılāp*, which in its literal meaning meant transformation. So problematic was the possibility of this idea that in the Arab provinces Unionist and later elected parliamentarian of Jerusalem Ruhi al-Khalidi would write a booklet titled “*Asbab Al-Inqilab Al-Uthmani Wa-Turkiyya Al-Fatah*” [The Reason of the Revolution of Young Turkey] that would also

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<sup>256</sup> If we are to call the revolution of 1908/1326 a constitutional revolution as Sohrabi has, then it is my contention that the contestations of the constitutional aspects within the late Hamidian period eventually achieved its revolutionary aim by deposing the Sultan, strengthening parliament and amending the constitution. Thus the constitutional revolution should be in my view be seen from the initial revolt in July up until the summer of July 1909 when the constitutional amendments were made.

be serialised in the *al-Manar* differentiating between the terms *thowrā* and *inkilāp* , with *thowrā*<sup>257</sup> being presented as a revolt but *inkilāp* as a transformation from *istibdāt*(authoritarianism) to *meşrutiyet*(conditional). Khalidi stressed that the Young Officers enacted an *inkilāp* in order to save the *devlet* and this was to safeguard, religion and state.<sup>258</sup> The Arab provinces displayed much loyalty to the Sultan as Caliph and the idea that Islam, the Caliph or the Sharia were in threat from a revolution was a dangerous prospect. However, just like Khalidi many ulema also stressed on the merits of the Young Turk officers and praised them openly as shall be explained.

Revolutions in Muslims societies have rarely, if ever called for a rejection of Islamic governance, or to remove Islam from society. One could argue that Islamic societies throughout Islamic history have a tradition of ‘revolutionary’ activity, or at least a revolutionary component. However, the component is often framed within the Islamic paradigmatic structure, not outside of it.<sup>259</sup> It is a significant proof of the surviving revolutionary resolve of Islamic societies that the great revolutionary movements in the Islamic Empires were all movements within the Islamic framework to ‘restore’ Islam not to replace or remove it. The rhetoric of July 1908/1326 was no different, as the revolutionaries not once antagonised the Islamic emotions of the masses. Much of Ottoman society, the political establishment and elites were Muslim, and Islam was an integral part of society and political identity. But this question becomes of some note simply because of the constant portrayal of the positivist inclinations of the revolutionaries, especially framed with the Western values the Young Turks idealised.

One could argue that the Young Turks used the universal appeal of the slogans of freedom, equality and fraternity to appease as many audiences as possible, both outside and within the Ottoman domains. There is no doubting that the Young Turk officers had also internalised the slogans as they eulogised about belonging to the civilised world. But to what extent even the Young Turks adoration for French idealism resonated with the essence of the revolutionary zeal of the French revolution

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<sup>257</sup> The term *thowrā* has recently been presented by Abu Uksa as revolution. It is very possible that the terms at the time had interchangeable underpinnings but Ruhi al-Khalidi was keen to stress on the difference. See Abu-Uksa, *Freedom in the Arab World Concepts and Ideologies in Arabic Thought in the Nineteenth Century*. pp156-204.

<sup>258</sup> Ruhi al-Khalidi, *Asbab Al-Inqilab Al-Uthmani Wa-Turkiyya Al-Fatah*, 1908/1326.

<sup>259</sup> Mohammed Ayoob, “The Revolutionary Thrust of Islamic Political Tradition,” *Third World Quarterly* 3, no. 2 (1981): pp269–76.



is vague at best. If anything one would have to assume that their reading of the French Revolution was more of a nineteenth century re-reading of the French revolutionary past. The problem with rhetorical slogans is that although they can be used as a tool to galvanise large peoples based on elusive meanings which every sector could take meaning from, they also establish contrary responses as different actors, who internalise such slogans for their own meanings adopt them in diverse ways. It is then worth asking if the slogans of freedom, equality and fraternity in the Ottoman context equated to the same as Western discourse or did the Young Turks working within a religious environment adapt its meanings to something palatable to the Ottoman world and themselves. It is also worth asking if the average layman understood such terms in the same vain as the Young Turk, or the *ālim*. It seems evident that all within the Ottoman world did not universally understand these concepts alike. As these concepts became intellectualised and interacted with the traditional class, these concepts started to evolve to more localised meanings rather than inherently Western.

Furthermore, the Young Turk has not been presented as one interested in the Islamic but rather in the secular. It has been presented that Islam was simply a tool for the Young Turk, an identity perhaps, but not a way of life, a tradition possibly, but not a solution. Yet, although studies on the ideals of Young Turk ideologues may render one to assume that these perceptions are true, in reality the Muslim Young Turk indeed also identified with his Islamic identity and this identity was in continual flux and transformation. The Young Turks indeed like the ulema were not a homogenous block, nor was their identity. Although the CUP had much influence on policy and reform during the Second Constitutional Period, nonetheless, they had to deal with the eclectic band of ulema, Muslim intellectuals, and religious oppositional forces in the Ottoman domains as well as their own organisation. While ones religiosity as an individual may be questioned, it is virtually impossible to attribute ones religiosity or lack of religiosity to government policy. The Ottoman *devlet*'s political structure, culture and traditions were far more robust than to attribute it to the religious inclination of those simply in governance, this point can be attributed to Sultan Abdülhamid as well.

What makes the Revolution of 1908/1326 further noteworthy is that both official state ideology and oppositional activity evoked Islamic language, symbology and tradition, both inherent and invented in an attempt to legitimize their perspective

positions. In that sense Islam remained the legitimizing factor for government, governance, truth, justice, the good and evil, emotion, public opinion, the past, present and future. The Hamidian state had succeeded on fashioning a culture in which Islam was the framework of expression within political culture. The Revolution rather than diminishing this view had extenuated this culture as the ideal sometimes presented was greater than that of the Hamidian regime. One's religiosity became a subject of debate, meritocracy coupled with Islamic idealism was to trump Hamidian patronage, good Islamic character was warranted in theory, and bad Islamic morals were advocated to remove governors from positions of authority. If the Young Turk was going to judge the Sultan and his agents by Islamic language, he too was then to be judged by the same yardstick. This was to create an environment in which the so-called positivist was to continue to survive in an Islamically sensitive world. It is with all this in mind that the revolution must be placed, as the role of religion and the blurring of lines provided greater scope for alternative agents bar the Unionists to be invested in the constitutional revolution, especially the ulema.

### **Advent to the Revolution – The Importance of the Muslims of the Balkans**

There have been a host of explanations regarding the reasons why in the summer of July 1908/1326 the revolution had come into being. The events in the Macedonian provinces had become central in the establishment of constitutional rule once again. Although oppositional activity to the Hamidian regime was organised, it was also sporadic throughout the Ottoman domains and in Europe. It is important to investigate how the events in the Balkans in particular were organized, consolidated and managed, so that success was achieved. It was the conditions in the Balkans that had actualised the change that remarkably held the Sultan to ransom in introducing change.<sup>260</sup> The Albanian provinces' impact on the imperial centre was to become fundamental to the constitutional change in the Ottoman domains. Young Turk works point to a revolution in the making, but a culmination of a favourable environment, and the support of Muslim majority in region deciding to eventually support the

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<sup>260</sup> Whereas it has been assumed that the Sultan had increased the profiling of Arabs during his reign it is also worth of note the special attention he paid to the other provinces. An example has been cited that the Sultan paid special attention to the Albanians by maintaining Albanians within the governmental structure such as having Ferid Pasha as his Grand Vizier. A more likely position is that the provinces for the Ottoman government were far more important regarding Ottoman suzerainty than simply viewing the provinces as peripheral.

callers of constitutionalism helped the opposition to achieve the goal it had long yearned for. Furthermore ulema support for the constitution across the Empire made it possible to curtail Muslim agitation regarding the call for constitutionalism. There can be no denying that an element of planning had indeed taken place, even if it wasn't by the intellectuals in exile but rather the activists on the ground in the Macedonian provinces. However, there is also a strong case of opportunism, and integral regional Muslim support – mainly Albanian – that had made triumph attainable. There was indeed surprise from the agents of the Sultan and the foreign powers regarding the revolution, indicating that the revolution was an event of opportunism, thus this high-risk strategy depended on many variables in favour of the insurgency.

The Ottoman state had attempted to manage the problems in the Balkans inherited as protracted from the centralizing attempts of Sultan Mahmud II. The competing interests in the region had made the Balkans an area of much contestation and conflict. The European powers throughout the late Ottoman period were perceived to be interfering with Ottoman suzerainty in the region, becoming a principal threat to Ottoman authority.<sup>261</sup> The Macedonian provinces were undoubtedly the most heterogeneous in the *devlet* with diverse internal ethnic and confessional identities, along with competing governmental interests of the Austrian-Hungarians, the Ottomans and Russians as well as the British. After 1878/1295 Russian influence continued to penetrate the region as not simply Ottoman administered regions but Austro-Hungarian too. There was an endeavour to indoctrinate the local orthodox Slav populations against the imperial governments as a way to strengthen Russian influence. Moreover, the newly established Serbian state used the region to smuggle weapons to pliable allies within Ottoman lands. Hamidian state policy did indeed emphasise on Islamic symbolism, however, the Austrian-Hungarians stressed on religious symbolism also, as it increased its influence by establishing a network of churches and monasteries that served to disseminate Hapsburg Catholic propaganda.<sup>262</sup> It should then come as no surprise that religion was central to both local identity and imperial ideology.

The fate of urban Muslims in the Balkans changed dramatically with the rise of predominately 'Christian' nation-states who regarded them either as foreigners

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<sup>261</sup> Anscombe, *State, Faith, and Nation in Ottoman and Post-Ottoman Lands.*, pp 90-95.

<sup>262</sup> Isa Blumi, *Reinstating the Ottomans: Alternative Balkan Modernities, 1800-1912* (New York, NY: Palgrave Macmillan, 2011).p144.

worthy of expulsion or “as renegade members of the dominant national group who needed to be brought back into the fold.” This was a period of much migration, re-integration and thus led to a trauma that shouldn’t be understated when examining Young Turk discourse. Consequently, Balkan Muslims were facing very different pressures, stresses and choices than Muslims in the other provinces of the Ottoman *devlet*, as more often Muslims were not usually a majority in the region. The emergence of the nation states with ‘Christian’ identities placed the peoples in the remaining areas in the difficult position of building distinct identities for themselves, as their primary identifications were not national, as religious identification was the principal marker. This general situation was complicated further in Macedonia where Ottoman loyalty was resilient but changing conditions made some Muslims willing to embrace alternatives. As Ellis Burcu has explained about later Balkan Muslim identities “the choices facing Muslim minorities were few and all untenable; whether they sought territorial unity with a border state, assimilation with the non-Muslim majority or with the larger Muslim population with the stronger national identity, migration to another country, or seclusion and enclosure in their own worlds, Muslim minorities had a difficult time sustaining their vitality”.<sup>263</sup> These positions were at their formative stage from the nineteenth century onwards.

By way of emphasising a stronger regionalism by use of religion, the effort was to stem European colonial expansionism and strengthen loyalty to the imperial governments. The world in 1908/1326 continued to be one based on religious ideals and beliefs. It was accepted that the Ottoman State and the competing powers invested in mobilising society based on religious ideals to secure through mass politics and polity capable of surviving the external and internal challenges of the twentieth century. For Ottoman intellectuals and thinkers there was an alarming erosion of Ottoman authority in the Balkans in the latter part of the nineteenth century. Although the Hamidian regime had managed to stem this trend, nonetheless during the last decade of the Hamidian regime local conflicts agitated by outside agents as well as an increase of banditry activity was common in parts of the Balkan region. As a result, when news first broke of the skirmishes in the hills of Resna, the Ottomans centre’s response was not one that indicated that they were dealing with revolutionary activity as skirmishes and banditry was seen as the norm and was never imagined to transform to revolutionary change.

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<sup>263</sup> Burcu Akan Ellis, *Shadow Genealogies: Memory and Identity Among Urban Muslims in Macedonia* (Boulder, CO : New York: East European Monographs, 2003).pp6-7.

In June 1908/1326 news of a meeting being held in Reval between the British King, Edward VII and the Russian Tsar, Nikolai II to deal with the Macedonian question had agitated Ottoman observers especially in the Balkan provinces.<sup>264</sup> Continual involvement of foreign powers in the region created an environment of much discontent, particularly among the Muslim populations. The gradual loss of Greece and Serbia, as well as the nominal position of Bosnia had left the peoples in Macedonia to believe that their fate was now in the hands of the foreign powers. The late period of Ottoman rule in the Balkans was one of great distress and forfeiture. As a result, the support for those willing to emphasise on internal suzerainty was to indicate an act of pride and initiative. Both the Ottoman and Austrian regimes felt discomfort to the meeting in Reval as Russian and British interest were to further complicate Ottoman and Austrian rivalry for local authority in an ever increasing unstable region.<sup>265</sup> The Ottoman response was also conflicting; the central government although agitated by the meeting and possibly aware of British interests in the region, nonetheless took the position of waiting. However, members of the Unionists in the region were frustrated by the tepid response and sought greater governmental action. The added fear was that the news of British and Russian activity would consequently provoke a reaction from Austria.<sup>266</sup> Local Muslim sentiment, primarily of Albanian Muslim ethnicity, but not solely, was greatly disturbed by Austrian encroachment. Thus when news was spread of possible Austrian activity in Firzovik, the agitation gathered much pace.<sup>267</sup>

The Sultan himself was in a precarious political dilemma, acceptance of the Reval plan would have further alienated the centre from the Macedonian provinces and consolidated the fear that the central government was no longer adept to safeguard the Ottoman subjects in the Balkan areas. However, rejection of the plan would have provided an opportunity for the foreign powers to once again intervene in internal Ottoman matters. With a host of genuine perceived threats, those in opposition to the Sultan's regime managed to generate an activism that succeeded to

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<sup>264</sup> Hanioglu, *Preparation for a Revolution*.p237.

<sup>265</sup> It must be added that Italian interest and involvement also made this concoct of struggle for power further complicated.

<sup>266</sup> It is difficult to decipher whether Unionists propaganda was in fact a perceived fear or actually a deliberate campaign to use the events to destabilize the Hamidian regime. The point is to stress that whether the distortion of facts was deliberate or in fact a perception in itself. C. R. 1875-1942 Buxton, *Turkey in Revolution* (London : Fisher Unwin, 1909). Buxton argues that it was a deliberate campaign by the Unionists.

<sup>267</sup> Victor R. Swenson, *The Young Turk Revolution : A Study of the First Phase of the Second Turkish Constitutional Regime from June 1908 to May 1909*, 1968.

influence doubt in the minds of the Muslim population regarding the centre's ability to fittingly govern in the region, more importantly that the current form of governance had not reaped the benefits of safeguarding the interests of the peoples of the region and only a constitutional government would suffice. Initially oppositional activity mainly evoked the Muslim emotion regarding foreign non-Muslim aspirations in these provinces in an attempt to gain popular support they so desperately craved. There is no doubting that this was not simply a propaganda campaign but a movement that was projecting its own fears to its main constituent. Years of oppositional intellectual activity had failed to subjugate the Sultan's authority, but this was soon to change, as fear and scaremongering became the rhetorical device to delegitimise the nature of government.

On July the 3<sup>rd</sup> 1908/1326, Niyazi Bey took to the hills citing that a neighbouring band was in the locality. While the Muslim population was attending the Friday prayer Niyazi managed to pilfer some money and ammunition, and mutiny against the authority of the Ottoman government for three weeks moving from village to village making the claim for change. Along with him Niyazi had taken Hoca Cemal Efendi the Mayor of Resne (Belediyesi reisi Hoca Cemal), Tahsin Efendi the local tax inspector and Tahir Bey the police commissioner as well as approximately 200 civilians.<sup>268</sup> Niyazi had managed to convince the men of his intention and in return they were to administer the proper collection of tax and administer justice.<sup>269</sup>

At the same time, while Niyazi had rebelled against central authority, Major Enver Bey also took to the hills. Whether coordinated or simply coincidental, it created the perception that a movement was being initiated in the Macedonian provinces. It is not clear whether Niyazi had been instructed or in fact acted upon his own judgment for such a drastic move. According to his own testimony Niyazi Bey was disillusioned by the possibility of obtaining support from the Unionists at the time and hence took matters into his own hands.<sup>270</sup> Starvo Skendi explains that the uprising had developed spontaneously as the news was diffused from one unit to

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<sup>268</sup> There is somewhat of a dispute among historians of the number of civilians that joined Niyazi, with some downplaying the number and others claiming the number to be more. Although not important for this claim it is worth knowing the Niyazi himself provided a more generous tally as an indication of the type of support he received.

<sup>269</sup> Ahmad, *The Young Turks*.p6, Kansu, *The Revolution of 1908 in Turkey*. Niyazi, *Hatırat-ı Niyazi*.p11

<sup>270</sup> *Hatırat-ı Niyazi*.p11.

another.<sup>271</sup> Niyazi had stressed on the Islamic element of the call to gain Muslim support also addressing local non-Muslim fears that this was in fact a move against the Hamidian order not one against the non-Muslims of the Balkans. Niyazi's action had begun as a revolt, however it was from this moment that the revolution had begun.

### **The Meeting of Firzovik**

While much of the discourse has focused on the activities of Niyazi and Enver Bey, it must be added that the mass meeting at Firzovik was in fact the turning point that forced the Sultan's hand in re-instating the constitution.<sup>272</sup> Firzovik had shifted the position of the revolt into the reality of a popular rebellion, as thousands of Muslims gathered to discuss the importance of Ottoman governance in the region. It was the involvement of the large audience of Muslims and more importantly Muslim notables, ulema and tribal leaders at Firzovik that initiated discussion regarding the reinstatement of the constitution. With the debates infused with Muslim sentiment regarding the fears of the Muslim populations in the regions, the role of the Sharia, the meaning of the constitution and loyalty to the Caliph as the protector of the Muslims, there is no doubting that the role of the ulema is worth investigating. The contestations for Muslim public opinion at Firzovik would become integral for the future direction of the reinstatement of the constitution and it is for this reason this matter requires much attention.

Word had spread that a special Austro-German school for children of foreign railway workers in Skopje organised a rail excursion and picnic at the garden of Hajnilah, near Firzovik.<sup>273</sup> Rumormongering had insinuated that this was in fact an attempt by outside forces to continue to encroach on Ottoman territory. In actuality there was no real proof of the origins of the children and it is probable the Unionists exploited the atmosphere of fear. Firzovik, became a centre for what was to transpire

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<sup>271</sup> Stavro Skendi, *The Albanian National Awakening 1878-1912* (Princeton, N.J.: Princeton University Press, 1967).p341.

<sup>272</sup> Tahsin Paşa says that Firzovik was perceived as an open threat to the Sultan. See in Tahsin Paşa, *Sultan Abdülhamid*. p487. This point was further consolidated by İsmail Paşa who said that the meeting at Firzovik had more of an impact on the Sultan than the activities of the Turks or the pressures from Europe. See in İsmâ 'îl Kamâl, *The Memoirs of Ismail Kemal Bey* (London: Constable, 1920). p365.

<sup>273</sup> Hanioglu, *Preparation for a Revolution*.,p271 Hanioglu adds that this agitation could have been facilitated by rumors from members of the CPU, as "some conspirators" spread the rumor that Austrian troops were on their way to Kosovo.

as the largest mass gathering in the Balkan regions. A meeting was planned for the leading figures that involved mainly the religious leaders, primarily Muslims in Prizren to calm the rising tensions that were mounting between Muslim and non-Muslims.<sup>274</sup>

General Şemsi Pasha on authority of the Sultan had collected a large number of Albanian troops to address the revolt of Niyazi Bey in Resna. The troops were by and large dependable to Abdülhamid II, and Şemsi known for his loyalty to the Sultan also represented the ideals of the late Hamidian state ideology. Thus, the initial congregation at Firzovik was twofold, the first was a group of disenfranchised Muslims who were concerned about Austrian ambitions and the second were troops and men of religion and nobility invited to discuss the mutiny with Şemsi Pasha.<sup>275</sup> The situation in the region was starting to become tense, as non-Muslims feared that revolt would consequent against them, as they starting to worry that foreign encroachment was to compromise their position. In fact it was the scaremongering that had turned a perceived threat into an actualised reality, which gradually gathered momentum.

Just as the Sultan assumed the issues in the region would be dispensed, it was the Sultan who was to face a heavy blow. There was good reason for the Sultan to feel a sense of assurance. Şemsi Pasha was a well-respected officer in the region; he was also known to be able to deal with activities such as Niyazi's revolt. It is almost certain that with the troops he had assembled and with the hesitant position of the Muslims in the region to move against the central authority, that Niyazi would have almost certainly been defeated. As Isa Blumi points out 'the revolt in Kosovo, as much as those surfacing throughout Macedonia, suggests that this was the perfect example of the uncommitted majority waiting on the side-lines to see the results of a conflict between a local contingency of rebels and the state before taking sides'.<sup>276</sup> As a result, by the behest of the Unionists in Monastir a decision was made to assassinate Şemsi Pasha. A young officer by the name of Akif Bey had nominated himself in the name of 'liberty' and the 'fatherland' to undertake such a task.<sup>277</sup>

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<sup>274</sup> Süleyman Külçe, *Firzovik Toplantısı ve Meşrutiyet*, 1. Baskı. (Cağaloğlu, İstanbul: Kitabevi, 2013).p29.

<sup>275</sup> Külçe.,p77.

<sup>276</sup> Blumi, *Reinstating the Ottomans.*, pp147-148.

<sup>277</sup> Hakan Özdemir, "Towards the Revolution of 1908: The Assassination of Şemsi Paşa" (Fatih University, 2013).p111.



Şemsi Pasha was killed by the only bullet that had hit him and was pronounced dead an hour later. A loyal servant and symbol of the Sultan's regime had been murdered in broad daylight in front of a whole assembled unit - it was a remarkable achievement. The Sultan had indeed lost a key member of his regime, but more importantly were the manifestations of what were to transpire from Şemsi's death. It was Şemsi who was given the task to deal with the possible tensions in the region and it was Şemsi who was to deal with the revolt and defeat it if required. This would no longer happen. Şemsi had assembled both local leaders and military personal at Firzovik but with Şemsi now dead and news not arriving of his death, the stationed personal at Firzovik became restless. With the crowds growing further and further, this was turning into a problematic situation for the Sultan.<sup>278</sup> Upon Şemsi's death a telegram was sent to the Palace, the Sultan surprised by the assassination first telegraphed Ibrahim Pasha, commander of the Third Army in Salonika, asking if he could defeat the rebellion, Ibrahim's answer was negative as he resigned from his position along with the Inspector General for Rumeli, Hüseyin Hilmi Pasha, followed by the *vali* of Monastir.<sup>279</sup> With a last throw of the dice the Sultan turned to another member of his loyal unit Mahmud Şevket Pasha to deal with the rising tension growing in Firzovik.

The Unionist however didn't stop people from coming, whereas many were kept in the dark the Mufti of Monastir was aware of the assassination. The Mufti, Receb Cûdî Bey said he received news of Şemsi's assassination but he along with many other Albanians were still asked to come to Firzovik. A nervous group asked if he was to work for the success of the nation disregarding the dangers. He continued that the desire for those gathered at Firzovik was to strengthen the supremacy of the state and nation, and elevate religion and the state.<sup>280</sup> The Unionist recognised that obtaining ulema support was essential for swaying public opinion in their favour as Muslims continued to arrive to Firzovik.

After the death of Şemsi Pasha the Ottoman centre decided to work to calm the situation by attempting to negotiate with the crowds rather than crush the revolts around the areas. This was a change in style as a policy of deliberation was sought

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<sup>278</sup> Özdemir, "Towards the Revolution of 1908: The Assassination of Şemsi Paşa" .p88.

<sup>279</sup> 1909 [Cd. 4529] Correspondence respecting the Constitutional Movement in Turkey, 1908. 1909:No.1 (Turkey: Constitutional Movement:Numbered Papers) *Mr G. Barclay to Sir Edward Grey*, Constantinople, July 23 1908.

<sup>280</sup> Özdemir, "Towards the Revolution of 1908: The Assassination of Şemsi Paşa." p105. Original serialisation of Receb Cûdî Efendi can be found in the BH 24-26.

over military action. On July the 8<sup>th</sup> Mahmud Şevket Pasha who was the governor of Kosovo, was asked to deal with the mounting tensions in the region. Şevket, another senior statesman of the Hamidian regime and military man was the Sultan's best hope in salvaging the situation. Warnings by the Unionists were sent to Şevket Pasha regarding his attempts to side with the Sultan. It is also claimed that this was a time when the Unionists had also sent warnings to the ulema to refrain from supporting the Hamidian regime in attempting to pacify the callers of constitution.

Sevket Pasha sent a delegation on July the 8<sup>th</sup> to attempt to appease the masses. He assigned Colonel Galib Bey as the leader of the committee to disperse the crowd that had gathered at Firzovik especially as there was no clear pattern of which way the crowds were going to sway. The committee comprised of a host of notables and members of the ulema. This included the ulema such as Mehmed Arslan Efendi the Mufti of Üsküp, Hacı Şaban Efendi, Ipekli Hassan Fehmi, Hafız Receb Efendi and Hacı Veysel Efendi of Petrovica. Along with them were Unionists Necib and Ferhad Draga as well as Bajram Curri, Emin Bey of Kalkandelen, Receb Efendi of Presova, Ferhad Bey, and Şerif and Yahya Efendi from Prizren.<sup>281</sup>

On the 12<sup>th</sup> of July the Chaplain (*Alay Müftusu*)<sup>282</sup> who had discovered the activities of Niyazi was also assassinated while boarding a train on its way to Istanbul. The fact that a senior official and then a member of the religious class were murdered were indeed drastic actions that were uncommon during the Hamidian period. These were also clear statements of intent, the Unionists were willing to kill to achieve their objectives. It would then come as no surprise if Şevket Pasha would act in hesitancy before showing his hand on what to do next.

A further pouring of thousands of Albanian Gëgs from the neighbouring towns and villages continued to disembark upon Firzovik. As the crowds continued to grow the delegation attempted to calm the situation. However, with a sense of confusion surrounding the atmosphere the crowd refused to listen. It took much persuasion and the use of the religious authority of Hacı Şaban Efendi to convince some of the crowds to disperse as the people of leadership and authority attempted to address the unrest. It seems with much of the crowd being religious Muslims from the Vilayet of Kosovo that if the crowd were to listen to anyone it was only to the *âlim* as

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<sup>281</sup> Özdemir, p113.

<sup>282</sup> The British archives hold two separate accounts of mufti assassination. It states that a mufti was assassinated on the 10<sup>th</sup> July mounting a train from Salonica to Istanbul and another on the 12<sup>th</sup> Monastir. PRO.F.O 371/544/388 Mr G. Barclay to Grey, Therapia, July 13, 1908. PRO.F.O 371/544/388 Mr G. Barclay to Grey, Therapia, July 15, 1908.

they informed him that more people from the other districts were coming.<sup>283</sup> The central government itself had asked the ulema to council the people in the Albanian provinces.<sup>284</sup> With the absence of Şemsi Pasha, the crowds had now turned the gathering into a meeting at Firzovik among them mainly Albanian speaking and Muslim tribal notables, ulema and bureaucrats attempted to discuss the future actions of the Albanian provinces, as genuine agitation started to increase regarding foreign designs for the region. This conference would last 12 days and by mid July approximately 6000 people from the neighbouring provinces gathered in Firzovik to debate their position concerning the changing political climate of the region.<sup>285</sup> The assassinations had shaken the centrality of control of the Sultan's regime, and unable to regulate the telegrams and attain who was a loyal supporter of the Sultan, Abdülhamid was in trouble.

Galib Bey was supposed to quell the crowds but reports suggested that it was in fact Galib and the delegation sent by Şevket Pasha that were inciting the crowd towards the constitution. Discussions had ensued regarding the situation in relation to the picnic, but the crowd then decided to take a *besa*<sup>286</sup> to prevent interethnic killings in Kosovo. However, the delegation of which many were Unionists were starting to change the type of *besa* that was going to be taken in line of reinstating the constitution. According to Nathalie Clayer, Albanian leaders were in fact manipulated by members of the Young Turk.<sup>287</sup>

While momentum was gathering in favour of the mutineers, the Sultan unable to gain the type of support from his rank and file turned to another source, the local leader Isa Boletini. Isa Boletini, a strong local leader and supporter of the existing status quo evoked that the constitution equated to disloyalty towards the Sultan.<sup>288</sup>

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<sup>283</sup> Hanioglu, *Preparation for a Revolution*.p272.

<sup>284</sup> BAO.Y.PRK.ASK, 258/82, 10.7.1908.

<sup>285</sup> 1909 [Cd. 4529] Correspondence respecting the Constitutional Movement in Turkey, 1908. 1909: No. 1 (Turkey: Constitutional Movement: Numbered Papers) *Vice-Consul Satow to Consul General Lamb*, Constantinople, July 15 1908. It says that on the 17<sup>th</sup> of July the number was 8000, whereas other British accounts point to 10,000. This numbers of course are difficult to verify but what is evident is that a sizeable group attended the discussions regarding the future recourse of action. Initially it seems that the concern was regarding the German-Austro excursion train that had made many in the region nervous. However, it seems the meeting later took on a different nature, as demands for a constitution were made.

<sup>286</sup> *Besa* is an Albanian cultural precept, usually translated as "faith", that means "to keep the promise" and "word of honor".

<sup>287</sup> Clayer, "The Time of Freedom, the Time of Struggle for the Power: The Young Turk Revolution in the Albanian Provinces." p129

<sup>288</sup> Some have mentioned that the Sultan himself turned to Boletini, in Hanioglu, *Preparation for a Revolution*. In footnote, p277.

Such was the environment during the Hamidian reign that the Sultan was perceived as the 'deputy of the faithful'. It would be no understatement to suggest that this sensibility resonated with many Muslims who attached themselves to the emotional symbols and languages evoked from Islam emphasised during Abdülhamid's reign. This intertwining of the executive with the sacred further touched mass Muslim feelings of loyalty towards the Sultan as Caliph.<sup>289</sup> A policy during the Hamidian period that made it distinct from his predecessors was the appeal of veneration of the seat of the Caliphate, a spiritual attachment was placed on the position, one ensued with religious rhetoric. Debates ensued, of which, the idea of the return to constitutional rule was attached to the safeguarding of the region. The future elected parliamentarian Necib Draga, a known Unionist from Üsküp/Skopje along with his brother Ferhad Draga as well as Bajram Curri argued for the restoration of the constitution as a means of addressing the concerns of the population.<sup>290</sup> The gathering was aimed at the representatives of the people, the Muslim tribal leaders, the notables and ulema as the constitution was aimed at their sensibilities to save the 'ailing' *devlet* as well as deal with the grievances and disgruntlement of the Muslim public opinion that had emerged during the latter part of the Hamidian period.<sup>291</sup>

Boletin was an astute local leader and mindful of the emotions that would be agitated if a personal attack on the Sultan were to be made.<sup>292</sup> Attacking the Sultan was presented as tantamount to attacking the sacred, a point that could have had serious implications for the pro-constitutionalists. However, the crowds continued to gather, as momentum and news was spreading in the provinces of the ideas being discussed in the gathering of Firzovik. With Muslim emotion reaching fever pitch it took the Mufti of Prishtina, a man according to the British to be of much influence to ask the crowd to disperse peacefully.<sup>293</sup> The Albanians started to believe that the fatherland and religion were in danger.<sup>294</sup> While discussions were taking place the ulema along with the notables had become central to the next course of action that was to be taken.

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<sup>289</sup> Attack on the Sultan was presented as an attack on Islam.

<sup>290</sup> Hanioglu, *Preparation for a Revolution.*, p277.

<sup>291</sup> Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran.* p40.

<sup>292</sup> Ibid., p152.

<sup>293</sup> 1909 [Cd. 4529] Correspondence respecting the Constitutional Movement in Turkey, 1908. 1909: No. 1 (Turkey: Constitutional Movement: Numbered Papers) *Vice-Consul Satow to Consul General Lamb, Üsküp*, July 11 1908. The British started to become aware of the idea of a Meclis, but assumed it was simply restricted for the Albanian provinces.

<sup>294</sup> Swenson, *The Young Turk Revolution.* p71.

The Unionists continued to devote their time and energy on the Muslim sentiment, mainly Albanian which made up a considerable part of the Muslim population in Macedonia. Without their support, success was impossible. The Muslims gathered at Firzovik, were deeply attached to Islam, its prestige and moral authority, and rather than turn to the Unionists they appealed to the notables and ulema for council. Many opinions circulated, some were willing to take a *besa* in support of Sultan Abdülhamid, many more were torn between the merits of authoritarianism and disloyalty to the Sultan on one hand and support for the constitution and possible survival promised with it on the other.<sup>295</sup> Hoca Veysel Efendi first encouraged on behalf of the notables to obtain a *besa* on behalf of the *Meşrutiyet* and *Şura*.<sup>296</sup> Hacı Şaban Efendi, an Albanian elder of great influence, persuaded the masses on religious grounds that it was time to reintroduce the constitution. He said “[T]o ask for *Meşrutiyet* (conditional governance) is to ask for *Meşveret* (Consultation)” and he continued it was to ask for the book of Allah (Quran).<sup>297</sup> He continued in the mosque in Firzovik “the best way to stop the pain was ask for a constitution.”<sup>298</sup> His role became key and it has been suggested that his oration had convinced the Muslim public to support the constitution.<sup>299</sup>

It was Hacı Şaban Efendi’s decisive action which turned the tide. He argued that the constitution explained the rules of the Quran regarding governance and that the *Meşrutiyet* was fully in conformity with the Quran. He further stressed that even if people were not convinced nonetheless the *Meşrutiyet* was good for the people.<sup>300</sup> At that point another senior *âlim* Hoca Şerif Efendi required some convincing. They continued to debate as Hacı Şaban Efendi laid out his claims. After much deliberation Şerif Efendi said he was satisfied, and with that in the mosque of Firzovik where the meeting had taken place the committee and the people finally agreed on freedom and the *Meşrutiyet*.

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<sup>295</sup> Külçe, *Firzovik Toplantısı ve Meşrutiyet*.p54.

<sup>296</sup> Külçe..p88.

<sup>297</sup> Ibid.

<sup>298</sup>Gül Tokay, “Makedonya Sorunu : Jön Türk İhtilalinin Kökenleri (1903-1908),” *İlmî Araştırmalar : Dil, Edebiyat, Tarih İncelemeleri*, no. 4 (1997).p172.

<sup>299</sup> Swenson, *The Young Turk Revolution*.p73.

<sup>300</sup> Külçe, *Firzovik Toplantısı ve Meşrutiyet*.p88.

According to George Gawrych there seems to have been a division between the town notables and ulema, on one side and other chiefs and people on the other.<sup>301</sup> But the assumption that the ulema and notables were against the idea of a constitution would indeed be misleading, instead it was as Gawrych has mentioned the ulema and notables who were in favour. An attack on the Sultan by the pro-constitutionalists was very much avoided and instead most blame was aimed at the Sultan's *mabeyn* (Office of the Palace).<sup>302</sup> Hesitancy seemed more so from the Muslim religious class, as maintaining the Sultan in authority and the upholding of the Sharia were the main contentions of the discussion.

After much discussion, Boletin hesitantly backed down;<sup>303</sup> the constitutionalists had managed to convince those that were gathered on the merits of constitutional discourse, the safeguarding of the Sharia and the position of the Sultan. In the end, the Albanians who had gathered to protest against Austrian aspirations, which subsequently could have led to internecine killings agreed to take a different *besa*.<sup>304</sup> After the prayers in a crowded mosque, brandishing the Holy Quran before the crowd it was claimed by the British a local *ālim*,<sup>305</sup> probably Hacı Şaban Efendi declared in Firzovik mosque demanding the restoration of the constitution was equivalent to demanding the Sharia. On July 20<sup>th</sup> 1908/1326, following Hacı Şaban Efendi's oration, a telegram from Firzovik, demanded the restoration of the constitution.<sup>306</sup> Everybody in the Firzovik mosque seemed fascinated that the day 'freedom will be proclaimed, [will be the day] where everywhere will be heaven'<sup>307</sup> and it was claimed that intoxication had swept public order.<sup>308</sup> The rest of the Albanian notables and ulema present confirmed such a claim, and it was decided to take a *besa* for the restoration of the constitution.<sup>309</sup> Thus, the Kosovar

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<sup>301</sup> According to Galib Bey there was a town vs tribal split see in Gawrych, *The Crescent and the Eagle*.p149.

<sup>302</sup> Ibid.,p146.

<sup>303</sup> Swenson states that Boletin left due to the death of his daughter. Swenson, *The Young Turk Revolution*.p73.

<sup>304</sup> Hanioglu, *Preparation for a Revolution.*, p272.

<sup>305</sup> It is not clear if the *ālim* was Hacı Şaban Efendi or Hassan Fehmi Efendi

<sup>306</sup> Swenson, *The Young Turk Revolution*.p82.

<sup>307</sup> "Hürriyet verildiği gün her taraf cennet olacak" in Sülayman Külçe, *Osmanlı Tarihinde Arnavutluk*, (İzmir:Yeniasir Matbaası 1944) See also Özdemir, "Towards the Revolution of 1908: The Assassination of Şemsi Paşa." p147.

<sup>308</sup> Tarek Zafer Tunaya, *Türkiye de Siyasal Partiler, I İkinci Meşrutiyet Donemi, 1908-1918*, (İstanbul Hürriyet Vakfı Yayınları, 1981). p53.

<sup>309</sup> BOA.TRF.IKV, 206/20501, 23.7.1908 It was noted that the decision was written down by the ulema and notables. Hanioglu, *Preparation for a Revolution.*, p272.

Albanians/Muslims eventually gave a general *besa* for the restoration of Midhat's 1876/1293 Constitution and the opening of the parliament.<sup>310</sup>

It said:

As a result of the meeting assembled on behalf of the people of Kosovo, with the aim to avoid and abolish the calamity and devastation that is approaching at present, we concluded that for the preservation of the majesty and the power, continuity of the glory and reputation of the country as well as the assurance of the prosperity and welfare of the servants of the country, there are no other options apart from reenacting the system of consultancy which is a part of the Sunnah and also legitimated by Kanun-ı Esasi (The Ottoman Basic Law) which was approved and announced by the imperial edict of the Sultan in 7 Zilhicce 1293. As a result of this decision, we decided to request from the Sultan the assembly of a national congress in The Gate of Happiness (İstanbul).

Hence, while we are hopeful about the acceptance of our legitimate request, we desire and await the acceptance of our honest petition, which will confirm our fidelity, reliability and good will, by the imperial decree of the Sultan. By all manner of means, the ultimate judgment belongs to the Sultan.<sup>311</sup>

It is worth of note that on the last statement the respectable petition professed that the final judgement was the Sultan's. This position would later change once the constitution was re-instated. It was signed by all the notables and ulema present, which included, Hassan Fehmi, as well as the Mufti of Üsküp, and the other ulema such as Hacı Şaban Efendi, Hoca Veysel Efendi, Hoca Adem Sirri, Hoca Abdalbaki Efendi, Hoca Mahmud Kamil, and Hoca Abdulahad to name a few.<sup>312</sup> In total at least 180<sup>313</sup> people had signed the *besa*, the Sultan could no longer ignore the events in

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<sup>310</sup> Gawrych, *The Crescent and the Eagle*.p152 .

<sup>311</sup> Translated from the Ottoman Turkish transliteration in Külçe, *Firzovik Toplantısı ve Meşrutiyet*.p88 I would like to thank Sena Şen for helping me with this. See also BOA.TFR.I.KV,206/20501, 23.7.1908. Skendi says that the original was in Ottoman Turkish and then translated into Albanian and published in the special addition of Lekos. See Skendi, *The Albanian National Awakening 1878-1912*. P342.

<sup>312</sup> Özdemir claims that there were 14 members of the ulema with Hacı Şaban Efendi see in Özdemir, "Towards the Revolution of 1908: The Assassination of Şemsi Paşa." p123.

<sup>313</sup> Özdemir claims that there were 800 signitures in the original report. Ibid.,p126.

Macedonia as it was said that from noon to dusk telegrams kept arriving asking for the constitution.<sup>314</sup>

This was a noteworthy endorsement for the constitutionalists as promptly two telegrams were sent to Istanbul, one to the Albanian Grand Vizier Avonyolu Ferid Pasha and the other to the *Şeyhülislâm*, Cemaluddin Efendi, to be forwarded to the Sultan.<sup>315</sup> The tone of the demands of the “very strong *besa*” was written in a highly respectful tone and adopted a markedly Islamic tone.<sup>316</sup> The *besa* was depicted as a patriotic act done in defence of the Sultan, *Vatan* (fatherland) and out of Muslim motivation. They claimed to speak ‘in the name of the devoted people of the Kosova vilayet, and to be motivated in the Islamic terms of ‘religion, faith and honour” (*din ve iman ve namus*).<sup>317</sup> They further demanded that the promise was made to respect the old privelges with regards to taxation, the adherence of the Sharia, the Albainians would remain in possessions of arms, and they accepted the inviolability of the Sultan.<sup>318</sup> Added to that the Albainians stressed on the return of the constitution and the application of “the principle of consultation” and the opening of the parliament.<sup>319</sup> The Council of Ministers agreed that due to the degree to which conditions had deteriorated it was imperative to restore the constitution without delay. According to Tahsin Pasha the news from Firzovik constituted an open threat<sup>320</sup>, and according to the Albanian ex-Grand Vizier İsmail Kemal Bey, the telegram from the Albanian provinces produced a great impact upon the Sultan.<sup>321</sup>

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<sup>314</sup> F.O 371/545/430 *Lamb to Mr G. Barclay*, Salonica, July 23, 1908.

<sup>315</sup> Gawrych, *The Crescent and the Eagle*.p152 .

<sup>316</sup> Hanioglu, *Preparation for a Revolution.*, p272.

<sup>317</sup> Gawrych, *The Crescent and the Eagle*.p152.

<sup>318</sup> Skendi, *The Albanian National Awakening 1878-1912*. p343.

<sup>319</sup> F.O 371/544/408 *Saton to Lamb*, Uskub, July 16, 1908.

<sup>320</sup> Paşa, *Sultan Abdülhamid*. p487.

<sup>321</sup> Kamāl, *The Memoirs of Ismail Kemal Bey*. p365.





Figure 1 - The *ālim* with the CUP members in this photograph is Hasan Fehmi. This was taken straight after the Constitutional Revolution.

As Crowds started to cheer for the life of liberty and Sultan, Niyazi bey publically inaugurated the reign of liberty and fraternity, under the constitution in the presence of everybody. The ulema were the first to offer prayers and speeches were made to call for unity.<sup>322</sup> In an environment where much of the Muslim public reflected devotion to the Sultan, there is no doubting that the significance of the ulema's role in convincing the masses and notables that the constitution was not in contradiction with Islam holds sway. Years of ulema oppositional activity found its way into the minds of the ulema in the Balkans. The style of governance and its merits to religion were an important factor, added to a host of other factors so often cited. The turban class from the Albanian/Macedonian provinces had decided to join the constitutionalists for the restoration of the constitution, 'consultation' and parliamentary rule, as the Sultan adopted the last throw of the dice by asking to quash the rebellion instead.

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<sup>322</sup> 1909 [Cd. 4529] Correspondence respecting the Constitutional Movement in Turkey, 1908. 1909: No. 1 (Turkey: Constitutional Movement: Numbered Papers) *Consul Heathcote to Mr G. Barclay*, Monastir, July 13 1908. "The Constitution was declared in Monastir, Serres and Drama either by preachers(ulema) or mutessarif or both".

## The *Meşihat* 's (Office of the *Şeyhülislâm*) Role Becomes Important

While the ulema of the Albanian provinces had clearly agreed upon by consensus that they were now supporting the implementation of the constitutional order, events in the imperial centre needed to go in the way of the Unionists if they were to succeed. In the centre there were neither agitators nor military presence that could coerce the men of influence. Their dependency was on the basis that their activities in the Macedonian provinces would provide the necessary pressure that would force the Sultan to re-instate the constitution. They had not yet marched their way to Istanbul, and their claim of the re-instating of the constitution rested in the hands of a few within the capital.

Grand Vizier Ferid Pasha had been informed as early as May of 1908/1326 that there was a conspiracy taking place in Macedonia, but with the absence of the evident facts to prove this point, he decided to first attain the relevant information. Upon receiving the telegram from Firzovik, Ferid turned to the Sultan to tell him to re-instate the constitution, but to no avail as the Sultan still clutched to the hope that a reform package presented in the region would suffice.<sup>323</sup> Ferid subsequently resigned<sup>324</sup>, as the Sultan offered the position to Kamil Pasha. However, Kamil placed conditions deemed unacceptable for the Sultan, hence the Sultan then turned to Said Pasha who now took office from Ferid, as the Sultan hoped that Mahmud Şevket Pasha would thwart the rebellion. The Sultan sent council from ex-Grand Vizier İsmail Kamil Pasha, another Albanian from Avyon on his thoughts, İsmail concurred for the Sultan to embrace the constitution.<sup>325</sup> The Sultan still hesitant waited on news from Şevket, but if the Sultan was expecting positive news from Üsküp/Skopje he was to be disappointed. One by one, the close aids of the Sultan were confirming that the reinstatement of the constitution was the only solution to the problem at hand.

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<sup>323</sup> The ultimate failure of the Hamidian government to control the chaotic conjuncture was a major stimulus of the restoration of the Ottoman Constitution, after the Young Turk Revolution, in 1908/1326. Ferid was the first sacrifice to the revolution; he was deposed together with the Minister of War. Thanks to his known tendencies for a constitutional regime and his personal links, Ferid Pasha kept up with the new regime and obtained after some months a senatorship in the upper house, the *Meclis-i Ayan*, and immediately became the governor of İzmir. His old master, Sultan Abdulhamid II, whose power had eroded significantly since the revolution, was deposed in late April 1909, when Ferid was in İzmir. See in Abdulhamit Kırmızı, *Avonyalı Ferid Paşa: Bir Ömür Devlet* (İstanbul: Klasik, 2014).

<sup>324</sup> It is not clear whether he stepped down or was removed from office.

<sup>325</sup> Kamāl, *The Memoirs of Ismail Kemal Bey.*, pp320-322.

In an attempt to quail the march towards Istanbul the Sultan applied for a *fetva* to crush the rebellious forces. The Sultan asked for the Third Army corps stationed in Salonika to be ready. But there was hesitancy from the political advisors and religious class as they became concerned with Muslim upon Muslim conflict within the Ottoman domains. The *fetva-emini*<sup>326</sup> Nuri Efendi was sent a request by the Palace to deal with the problems in Macedonia. The *fetva-emini* asked for clarification before simply rubber-stamping a *fetva* in favour of the Sultan, as the situation was complex and Nuri was probably aware of the telegrams being sent from the Albanian provinces. The question put forward by the Sultan's office was as such: "Is war justifiable against Muslim soldiers that rebel against the sovereign authority?" The question needed to be addressed delicately as initially there was an attempt to categorise the rebellion in the Macedonian provinces as an insurrection. The offence of *baghy*<sup>327</sup> had legitimacy in Islamic law for a serious punishment. But unlike the Wahabbist action that was crushed by Mehmed Ali Pasha during the earlier part of the nineteenth century, the constitutional movement was no longer deemed such an action. When the actions were simply of Niyazi and Enver's revolt, the Sultan and his office could have pressed the argument, but after the public declaration in Firzovik this could no longer be the case in law. There was a long tradition within Islamic discourse regarding the treatment of a state towards a rebelling party. There is generally an emphasis in the juristic culture on political obedience. This was also the case during the Hamidian period, and so a resistance on the part of Nuri Efendi would suggest that the office of the *Meşihat* was conspiring against the Sultan. However, on closer inspection there is also a culture within Islamic tradition recognising the complexity of rebellion and Nuri's insistence on obtaining the facts was evident that he was a serious practitioner of the law.<sup>328</sup>

Once again the *fetva-emini*'s court asked for a statements of facts that included the demands of the discontented before providing a decision. If the Sultan felt confident that the decision was to go his way, he was in for a surprise as the *fetva-*

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<sup>326</sup> The *fetva-emini* was the *ālim* who would prepare the state *fetva/fatwa* for the *Şeyhülislâm*.

<sup>327</sup> The term *baghy* has been come to mean to create discord and agitation and show a disregard for the law, resist authority for political gain. Mohd Farid bin Mohd Sharif, "Baghy in Islamic Law and the Thinking of Ibn Taymiyya," *Arab Law Quarterly* 20, no. 3 (2006): pp289–305.

<sup>328</sup> Khaled Abou El Fadl, *Rebellion and Violence in Islamic Law* (Cambridge ; New York : Cambridge University Press, 2001). p8. According to Muslim jurists there were three types of fighting within Muslim societies. The first was to fight the apostates, the second was to fight bandits, and the third was to fight rebels. Where as the punishment for the first two could be death depending on the qadi's ruling, it was a wide held position that rebels could not be killed, tortured or imprisoned. The Damascene theologian Ibn Abidin argued that *baghy* was very rare. p33.

*emini* deemed that the Sultan was not permitted to send troops to crush the rebellion based on their demands, which was mainly the return of the constitution.<sup>329</sup> It seems clear that the telegrams from Firzovik had made their impact and accusation of conspiracy from Nuri as a Unionist would be unfounded as Nuri in 1909/1327 was reluctant to write a *fetva* supporting the deposition of Abdülhamid. It seems fair to suggest that Nuri Efendi was indeed a loyal servant of state and religion, and applied the law how he saw fit. Sir Edwin Pears expressed about Nuri Efendi the *fetva-emini* by saying:

I had the pleasure of knowing the Fetve Eminé at the time. He is usually a judge occupying a lofty position and a man of ability and character. The actual occupant had the confidence of all Moslems in Turkey on account of his piety and independence.....He was a very old man, probably eighty-five, but was universally respected as one who cared nothing for the judgment of men, be they Sultans, Ministers, or paupers. Accordingly, when Abdul Hamid asked for the fetva, both sides held their breath in expectation of what the decision would be. After he had obtained the demands of the troops and fuller explanation of the facts, he gave his answer. Substantially it was that the demands for reforms for the redress of grievances and for government by Representative Chamber were not against the Sacred Law, and consequently if the demand for a fetva were pressed it could not sanction the war by Moslems against Moslems.<sup>330</sup>

While the advisors of the Sultan such as Ferid Pasha had told the Sultan to reinstate the constitution, Abdülhamid still remained hesitant, but the office of the *Meşihat* was now resonating the same message. The Sultan had always been aware of the nature of the office of *Meşihat*. Traditionally the ulema had often supported constitutionalism over authoritarianism. It is true that his first *Şeyhülislâm* Esad Efendi had supported a more authoritarian position but the next Bodrumlu Ömer Efendi was more of a constitutionalist. When Cemaleddin Efendi came to the office, although there were rumours of him supporting constitutionalism, nonetheless as *Şeyhülislâm* he managed to balance his roles without antagonising any of the factions. When news of the telegrams and then the request for a *fetva* arrived, both the Unionists and Palace held their breath in waiting which way Cemaleddin would sway. His often non-committal style of leadership would later receive much criticism, but it is testimony of his own ability that he was the longest serving *Şeyhülislâm* during the Hamidian era.

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<sup>329</sup> Edwin Pears, *Forty Years in Constantinople : The Recollections of Sir Edwin Pears 1873-1915* (London : Herbert Jenkins, 1916). p233.

<sup>330</sup> Edwin Pears, *Forty Years*, p233.

According to Tahsin Pasha, Cemaleddin was one of the strongest *Şeyhülislâm*'s during the Hamidian era who used to inform them of the affairs of the *Meşihat* prior to becoming *Şeyhülislâm*. Although Tahsin Pasha questioned his qualifications, he nonetheless accepted that Cemaleddin's ability to hold the post for 17 years was testimony of his competency. He also pointed that even though his position was always under threat nonetheless the Sultan trusted him.<sup>331</sup> As the sides waited for his verdict it is said by Sulaiman Bustani who quoted Cemaluddin Efendi, when asked by the Sultan to issue a *fetva* against the insurgents he answered on the contrary 'grant them the constitution because it is compatible with the honoured Sharia'.<sup>332</sup>

The office of *Meşihat* had made a stand and both Cemaleddin Efendi and Nuri Efendi made a decision less so on political aspiration but more so on religious and practical grounds. One foreign journalist went even as far as suggesting that:

One thing is certain, and must be set down to his credit. It is largely due to this man [Sheikh-ul Islam Cemaleddin Effenid] that the Revolution was bloodless. When the Committee's ultimatum reached the Sultan, all the possibilities of the desperate situation were eagerly considered by the Council of Ministers. Things were looking bad for the despotism; yet, if the interpreter of the Sacred Law could have been prevailed on to accuse the rebels of a breach of that law, all might yet be saved. Against men branded with the charge of impiety it might be easy to raise up a popular reaction; to stir the mob of Stamboul, to appeal to the Arabs of the Hedjaz and the Yemen, to drive the fierce Albanians, in spite of the Committee's tampering, down from their hill-fortresses upon the plains of Macedonia. I do not believe that, if the Sheikh's momentous decision had gone against the liberal moment, it would have ushered in the Revolution in a dawn of sanguinary conflict, and left behind it a legacy of hatred and danger. The Sheikh did not hesitate; he did not compromise; he came out boldly with this decision that liberalism and the law of Islam; and the Sultan gave way.<sup>333</sup>

Sheikh Rashid Rida of Damascus in his journal publication *al-Manar* on July 28<sup>th</sup>, 1908/1326 also noted:

In this context, the role of the Şeyhülislam Cemaleddin Efendi, the foremost Muslim official in the *devlet* at the time, in the immediate aftermath of the revolution was paramount, indeed, some reports credited the Şeyhülislam far more than the Sultan. According to various accounts, Cemaleddin was extremely supportive of the new constitutional order and personally conveyed his ruling to

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<sup>331</sup> Paşa, *Sultan Abdülhamid*. p40.

<sup>332</sup> Butrus Abu-Manneh, "Arab-Ottomanists' Reactions to the Young Turk Revolution," in *Late Ottoman Palestine: The Period of Young Turk Rule*, ed. Yuval Ben-Bassat and Eyal Ginio (I.B.Tauris, 2011). p156.

<sup>333</sup> Buxton, *Turkey in Revolution*., pp175-176.

Abdülhamid II that the constitution was congruous with Islamic law, the Sharia. Public reports cited Cemaleddin as telling the Sultan that the day of announcement of the constitution would be “engraved on the bosom of each shaykh and priest.”<sup>334</sup>

Realising his precarious position it is said that the Sultan turned to his close confidant and spiritual advisor Sheikh Abu Huda al-Sayyadi for counsel. But such was the current and support for the constitution that the Sheikh from Aleppo tentatively himself provided a *fetva* suggesting that the constitution was in the spirit of Islam.<sup>335</sup>

The ‘Constitutional Revolution’ didn’t simply lie in the strength of the movements military might, nor their ideological position. In essence, a real perceived threat from foreign powers, a possible course of chaos, and an insistence that the status quo of both the Sharia and Sultan being mainstays of the current regime, meant that many of the old guard that included Mahmud Şevket Pasha, Ferid Pasha, Kamil Pasha, İsmail Kamil Pasha, Cemaleddin Efendi and Nuri Efendi as well as the ulema and notables in the Albanian provinces who had supported the Sultan throughout his reign, were willing to attempt a different course of action. On July 22<sup>nd</sup> the battalions sent to crush the revolt instead joined them. The Sultan’s resistance was futile; the writing had been on the wall. His reform package rejected, his ability and right to crush the rebellion also rejected, the Sultan was left with no real choice.<sup>336</sup>

The Sultan finally yielded expressing his desire for the constitution to be reinstated. After the promulgation of the constitution, the construction process began. Both Niyazi and Enver became symbols of the military struggle against the Sultan’s regime. The narrative often presented by historians is of such, simply due to the fact that the Young Turks themselves reconstructed so many of the memories of the

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<sup>334</sup> *Al-Manar*, July 28, 1908 taken from Campos, *Ottoman Brothers.*, p44.

<sup>335</sup> Pears provides this narrative “At length someone proposed that Abdul Houda, the Court astrologer, should be called in as the only man who dared suggest to His Majesty that he should accept the Constitution.....He was, however, brought before the Council, and after considerable hesitation consented to give the advice that everybody present felt must be given, but dared not give. He was ill at the time, and had to be carried into the room upon his sick-bed. But he gave his advice boldly.....to advise the Sultan to accept a Representative Chamber. See in Pears, *Forty Years in Constantinople*. p235 Buxton also gives his account as thus in Buxton, *Turkey in Revolution*.

<sup>336</sup> “In a letter sent to Von der Goltz dated July 27<sup>th</sup> 1908, he [Mahmud Şevket Pasha] stated that although he did not believe the Ottoman people were ready for constitutional rule, such a system of government still had merit, providing as it did better opportunities for the Turkish people to gain experience in government. As for the participation of the military in the revolution movement, this was undesirable, but what other instrument did a suppressed people have against both Abdulhamid and the possibility of foreign power intervention? The army, Şevket argued, had to involve itself in the Turkish uprising.” In Glen W. Swanson, “Mahmud Şevket Paşa and the Defense of the Ottoman Empire: A Study of War and Revolution During the Young Turk Period” n.d. p43 footnote Von der Golts, “Erinnerunger,” pp39-41.

‘revolutionary’ activity. On closer inspection however, Muslim support in the Macedonian provinces, military mutiny due to arrears in pay, and fundamental loss of support from key personal had in fact allowed the revolution to become reality. This was then neither a popular revolution nor a military coup. In fact it was a dramatic unravelling of the Sultan’s authority by those although sceptical still willing to support the rhetoric of constitutionalism. Force was not going to stop the mutiny, neither were concessions for reform. The ulema too had played their part, both in the Macedonian provinces by providing their support for the constitutionalists, and in the centre, by curtailing and advising the Sultan towards accepting the change. The constitution was restored, but now the public reaction was to be determined.

### **The Constitution Restored – The Ulema Show their Hand**

During the first few weeks of celebrations, behind the scenes many members of the ulema were coming to terms with the new reality that was unfolding in front of them. It was natural that there was a level of hesitancy from the ulema and wider society. For 33 years all that many had known was the authoritarian rule of the Hamidian regime. A sudden wave of euphoria had several caught up in the theatrics of the festivities. There were a host of ulema at the time that genuinely viewed the CUP as the saviors of the *devlet*, vanguards of a new political structure, and moved to either join the CUP on its membership or at least openly praise the bastions of the revolutionary order and the constitution. There was no real reason to critique the CUP as suggestion that the CUP were either secularists or against Islam weren’t evident in their public declarations.<sup>337</sup> *Ālim* Mustafa Sabri publically thanked the CUP for the re-instatement of the constitutional order, and suggested that the ulema’s role should be to practice “their duty to guide the executive branch of government”.<sup>338</sup> In the ulema journals such as the *Beyan’ül-Hak*, *Sırâtümüstakīm* and *al-Manar* we see similar sentiments from ulema members praising the CUP for reinstating the constitution. *Ālim* and *Naqshabandi* Sheikh, Ömer Ziyâeddin Dağistânî although a conservative supporter of the Sultan also wrote in the *muhtıra* (memorandum) section

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<sup>337</sup> This idea would later become an opinion within certain religious circles due to the uncertainty of the CUP and the positivist proclivities of some of the CUP members. In the *Volkan* it was stated, “We must give them [CUP] no opportunities to open brothels and taverns in this country or discard the veils of our women”. In Tunaya, Partiler, p264.

<sup>338</sup> Mustafa Sabri Efendi, “Beyan’ül-Hak’ın Mesleği,” BH, September 22, 1908/1326.

of his pamphlet titled *Hadis-i Erbaîn fî Hukukî's-Selatin* (Forty Hadith on the Rule of the Sultan), written just after the revolution in 1908/1326, praising the proclamation of the constitution, opening of parliament and formation of freedom, justice, equity, fraternity, and the opening of the *Şura-yi ummet* (Council of Ummah) by the grace of the CUP and the noble Ottoman nation. He first praised and thanked Allah, then the CUP, then the opening of the new institutions and then the Sultan.<sup>339</sup> Sheikh Mûsa Kâzım hailed the success of the revolution which had been presented as a success for the Ottoman people, religion and the Sultan. The vanguards of this success were the Young Turks, mainly the 'noble' military personal who risked all for the safeguarding of the *devlet*. Mûsa Kâzım stressed on the inclusivity of all Ottomans as he further professed the merits of equality.<sup>340</sup> During the inception of the constitutional success, the Young Turk's actions were celebrated across the Ottoman domains. Sheikh Abdullah al-Alami from Gazza would also praise the CUP in his work *Azam Tidhkar lil-Uthmaniyyin al Ahrar aw al Hurriyya wal-Musawa wal Mabuthan min Ta'alim al-Quran* [The most Significant Commemoration for the Free Ottomans for Freedom, Equality and the Parliament are from the Precepts of the Qur'an] by saying:

Thanks to the works of the CUP, keenness of the triumphant Ottoman army, and the acceptance of his highness our victorious Sultan Abdulhamid, the Ottoman nation has attained the bless of a constitution, ergo became in those aforementioned gentlemen's debt and served to them in a manner that whenever it is mentioned, should be rightfully thanked. And while serving the people is one of the greatest services, and that every human being should have a share in this regard (*the sentence is grammatically incomplete*). Yet, I have never been one of the sword bearers, nor one of the pen holders. I pleasantly chose to offer a service—of what feeble person like myself can afford. So, hopefully, may I have one bucket out of those buckets. Therefore, I created this tablet (meaning letter in this context) showing that equality and freedom are from the wise teachings of the Book, and explaining the meaning of freedom which has triggered misunderstanding not from a handful of people, but from the large masses. And this is an objective that the worthless worshiper cannot aim to fulfill.<sup>341</sup>

There was a general consensus by ulema of different inclinations to praise the efforts of the Young Turks. But as one scholar has pointed out that CUP supporter Sheikh Mûsa Kâzım was quick to remind the CUP of the authority of the Caliphate and in

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<sup>339</sup> I don't know if the order is of significance, but it is worth considering. Ömer Ziyâddin Dağistânî, *Hadis-ı Erbaîn Fi Hukukî's-Selatin*, 1326. p2.

<sup>340</sup> Mûsâ Kâzım, "Hürriyet - Müsâvât," SM, 1908/1326.

<sup>341</sup> Abdullah Al-Alami, *Azam Tidhkar Lil-Uthmaniyyin Al Ahrar Aw Al Hurriyya Wal-Musawa Wal Mabuthan Min Ta'alim Al-Quran*, 1908/1326, p2.



particular the Caliph.<sup>342</sup> Ömer Fezvi too had mentioned that some of the ulema were concerned of the role of the CUP.<sup>343</sup> There is no doubting that although the success of the Young Turks actions had brought in the reinstatement of the constitution, however it had also brought in a sentiment of uncertainty as the Young Turks were still an unknown quantity who had never served in government.

During this period of relative freedom, the CUP enjoyed great support from the general ulema ranks. In Syria and Egypt it was said that the Syrian branch of the CUP had considerable support from the ulema in those regions.<sup>344</sup> In Istanbul, Mustafa Sabri Efendi, Mustafa Âsım Efendi, Hamdi Yazır fulfilled their vow as members of the ulema association to support the CUP and became members of the parliamentary group of the CUP, this was also reflected by senior ulema Mûsa Kâzım and Manastırlı İsmail Hakkı Efendi, who would also be elected senators in the *Meclis-i Ayan* in 1908/1326. In the Balad al-Sham region Abdulhamid Zahrawi would immediately make his way to his home city of Hama in Syria on the CUP ticket, as many members of the ulema at this initial stage believed the merits of the revolution, the return of the constitution and the CUP as the bastions of positive change. In Damascus Sheikh Jamaluddin al-Qasimi and in Palestine Sheikh Muhammad Shakir Diaby al-Baytuni all proselytized on behalf of an Islamic constitutionalism in the mosques and town centres<sup>345</sup> and in Beirut vows were made to uphold the constitution.<sup>346</sup> The constitution was quickly being constructed to becoming the foundational text of the religious context of freedom. In the Arab provinces the constitution was being talked of in religious terms in which it was referred to as the precious constitution (*al-dustur al-kerim*) and the holy constitution (*al-dustur al-muqaddas*).<sup>347</sup> The *Şeyhülislâm* himself was quick to point to the new found constitutionalism were for the new conditions of the *devlet* as he stated in an interview to a British reporter:

The Constitution of to-day is a different thing altogether from the Constitution of 1876. That was a sham; its authors did not mean it to last. This is a reality. The people are ready for it; it will remain."

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<sup>342</sup> A. Kevin Reinhart, "Musa Kazım : From Ilm to Polemics," *Archivum Ottomanicum*, no. 19 (2011). p288.

<sup>343</sup> Fezvi, "Nidaye -Ehli-Islam." BH,1908.

<sup>344</sup> Hanioglu, "The Young Turks and the Arabs Before the Revolution of 1908."p39.

<sup>345</sup> Campos, *Ottoman Brothers*. p50.

<sup>346</sup> Ibid.

<sup>347</sup> Ibid, p51

The reporter asks “But is a real constitutional government permitted by the law of Islam?”

The Sheikh ul-Islam replies “Permitted? It is more liberal than the Constitution itself.”

The reporter continues, “Then the influence of the Church [Here means *Meşihat*] will be in its favour?”

The Sheikh ul-Islam responds, “Certainly. Our Law, rightly interpreted, is in accordance with the principles of representative government. The wisest men, chosen by the people are to direct the ruler, and if he rules without their consent he is going beyond his power. I go further and say that, now that this principle has been embodied in the law of the Constitution, that the law itself is included in the law of Islam. It becomes binding upon those who profess Islam. Especially those who are called to lead, our *ulema*, are bound to help actively in carrying out the Constitution.”<sup>348</sup>

According to Zafer Tunaya the ‘Islamists’<sup>349</sup> had access to the state/Islamic institutions and were able to mobilise better than any other faction within Ottoman polity. For Tunaya ‘there can be no doubting that their positions were instrumental in formulating local, social, religious, domestic and foreign policy’.<sup>350</sup> A foreign journalist at the time spoke approvingly of the ulema of Istanbul by saying “It is they who have achieved the remarkable feat of convincing themselves and many other countrymen that the best theoretical sanctions for a Constitution is to be found in the Koran, that despotism is a flagrant violation of the teachings of that principle, and that the spirit of Islam is in power of the democratic government”.<sup>351</sup> Some scholars have argued that after the revolution the official state Islamic hierarchy took a leading role in supporting and propagating the revolutionary principles. As we have seen, this attitude begun with the top tier; the *Şeyhülislâm*, who repeatedly stated, “the law of Islam is more liberal than the constitution itself” and the constitution was binding upon those who profess Islam”.<sup>352</sup> In the Balkans Manastarlı İsmail Hakkı Efendi was asked to lead a committee and return to explain the merits of the constitution. In August 1908/1326 the CUP for the purpose of founding branches in Albania also sent Hoca Vildan Efendi from Dilber. The next day Hoca Vildan attacked the old regime,

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<sup>348</sup> Buxton, *Turkey in Revolution*. p170-171.

<sup>349</sup> In this he includes the ulema as well as Muslim thinkers.

<sup>350</sup> Somel, “‘Sırat-I Müstakim: Islamic Modernist Thought in the Ottoman Empire.’”. p52.

<sup>351</sup> George Frederick Abbott, *Turkey in Transition* (London,: Arnold, 1909).p164. Campos, *Ottoman Brothers*.p50.

<sup>352</sup> Buxton, *Turkey in Revolution*.p170.

praised the constitution and union among Albanians, Muslims and Christians.<sup>353</sup> Even in the Kurdish regions large crowds gathered to listen to Said Nursi explain that the constitution was in conjunction from Islam and that it would provide equality and freedom to all.<sup>354</sup>

Istanbul was now becoming a hub where members of the ulema from around the provinces were arriving to the imperial centre to determine the nature of the new change in regime. Invitations were made to the masses and ulema alike to listen to the senior ulema explain in the mosques of the merits of the constitution.<sup>355</sup> While some may have been in favour of the constitutional change others feared that a shift in political culture to be a situation of concern that required immediate attention. Ömer Ziyâeddin Dağıstânî was one such scholar who would leave his post in Edirne to arrive to the centre to see the happenings that were taking place, many just like him would do the same as the ulema presence in the city increased. Although Western journals were often quick to call the ulema reactionaries, one article in the Times pointed to the idea that the ulema were ‘proving themselves the sanest and most liberal politicians of the Empire’. The reporter continued:

I said to myself: All is up with constitutionalism in Turkey. Those turbaned priests will never allow that the Christian dog is their equal. Since that time, I have learnt that there are no priests in Islam, and furthermore, that the hodjas, mullahs and dervishes, who are generally grouped for convenience sake under that familiar designation, are the sanest and most liberal politician in the Ottoman Empire. In a great meeting which took place in the mosque of Sultan Ahmed, Stanboul, just before the parliament opened, the two most advances orators were mullahs.

“You have been told, my children”, said one old white-bearded ulema, whose green turban proclaimed him a descendent of the Prophet; “You have been told that we ecclesiastics are the enemies of liberty. Whoever says so, lies”.<sup>356</sup>

On the first week of August a first meeting took place in the Beyazit mosque in Istanbul, open to all in which the ulema discussed and argued about constitutional theory and the issues concerning the ulema of which Mustafa Sabri was a key protagonist. It had taken almost three weeks since the proclamation of the constitution

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<sup>353</sup> Skendi, *The Albanian National Awakening 1878-1912*.p354.

<sup>354</sup> Bediüzzaman Said Nursi, *Münazarat*.

<sup>355</sup> Bereketzâde İsmâil Hakki, *İslâm ve Usûl-i Meşveret*, SM, 24 September 1908/1326.

<sup>356</sup> The New York Times, “Mullahs not mad in Turkey of To-day”, Constantinople, February 25, 1909.

when the ulema in the Beyazit meeting decided to establish an association called the *Cemiyet-i ittihadiye-i ilmiye* (The Unionist Association of the Ulema).<sup>357</sup> A second and larger gathering in the following week on August the 13<sup>th</sup> was attended by hundreds of ulema and medressa students, where administrators were elected for the association and its newspaper organ and mouthpiece *Beyan 'ül-Hak*.<sup>358</sup>

The Times of England explained of this event:

“A large body of the ulema and softas met yesterday at the Beyazit mosque and drew up a report to the effect that the Constitution of 1876 in its entire conformity with the Sacred Law. I understand that all the ulema and softas have taken an oath to the constitution and declared their complete agreement with the ideas and the actions of the Committee of Union and Progress”<sup>359</sup>

An accompanying circular proclaimed the association's full support of the revolution and its conformity with the Islamic law and constitutionalism. It seems that although much euphoria had taken place on the streets, yet behind the scenes thorough debates were being undertaken within the ulema circles. The newly found ulema organisation emphasised it would work with the CUP towards the promotion of religious laws, constitutional principles and Islamic morality.<sup>360</sup> Mehmed Fetin wrote in the first edition of the *Beyan 'ül-Hak* journal the three main aims of the *Cemiyet* were firstly, political and patriotic and directly associated with the *Osmanli ittihad ve tarraki*. The association would follow the path of the CUP to create an environment for all Ottomans for mutual happiness. The second was regarding the *ilmiye* so that they could work on the medressa in Istanbul and the provinces to improve them. And finally - religious (*diniye*) where the association would work to provide information on Islam to the Muslim public and in some towns they would have circles to educate the people as they felt there was a misconception regarding Islam and they [ulema] would work to address it.<sup>361</sup> But the role of the *Cemiyet* would not only attempt to establish the implementation of these three points, it seems quite evident that the *Cemiyet* was also attempting to create an organisation that would work as a check on the authority of the institution of the *Meşihat*. Although Cemaluddin Efendi had not

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<sup>357</sup> From this moment will be called *Cemiyet*.

<sup>358</sup> The Times, August 21, 1908.

<sup>359</sup> The Times, August 21, 1908.

<sup>360</sup> Fetin, “Cemiyetimiz.”, *BH*, September 22, 1908/1326.

<sup>361</sup> Ibid.

been aggressively tarnished for blame for Hamidian 'autocracy', nonetheless there were many in the ulema ranks who took exception to the *Meşihat*'s inactivity to adequately address the needs of the *ilmiye* system, thus in this moment of administrative transformation in the Ottoman *devlet*, the *Cemiyet* came into existence as an alternate powerbase in the capital regarding ulema authority.

In the Syrian Arab provinces on August the 6<sup>th</sup>, the Arab Renaissance Society lauded that the only speech that came to them was by Salah al-Din al Qasimi entitled "the Turkish Firman" in which he celebrated the new age of freedom, justice and progress based on constitutional government. Salim al-Kuzbari, a prominent Sheikh invited leaders of the CUP and fellow ulema and notables to his home. According to David Commins the list of invited 'read like a dictionary of Damascene notables'. With all in attendance, Qasim al-Qasimi read a speech written by Jamaluddin al-Qasimi titled "The status of the constitution in religion". The speech was designed for all those including the ulema that were sceptical or had spoken against the constitution on the grounds that it would abrogate the Sharia and institute laws of human invention. Instead Qasimi argued that the constitutional government would harmonise with Islamic principle. Qasimi began by stating that the constitution resembled precepts of jurisprudence in that both are derived by *ijtihad* and extracted from the Quran and *Sunna*, *ijmah* and *qiyas*. To support his position, he cited recent authorities that had written that religious precepts could underpin constitutional law. For the sake of the ulema in the audience, Qasimi referred to classical authorities that had used general principles from religious law and considered the welfare of the people and attested harmful things. For Qasimi the constitution would provide a way to uphold these general principles. He finally closed his speech to the ulema and notables by telling them to adhere to the religion of Islam with resolve, "for by religious success is strengthened and salvation completed". He continued that the notables and ulema to join in common effort to strengthen and advance the homeland.<sup>363</sup>

Leading from the front the *Şeyhülislâm* Cemaleddin Efendi was one of the first to enact in this symbolic gesture of presenting that the Constitution was not only Islamic but its designs were not to marginalize any other Ottoman subject but to bring all Ottomans closer together, in loyalty to the Ottoman State. Sheikh Rashid Rida

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<sup>363</sup> Commins, *Islamic Reform*.pp125-127.

would continue to facilitate the atmosphere of festivities both in his actions and words when he said:

They say that France is the mother of liberty and equality, yes and no, but the Ottomans are worthier than the French in the glory of equality. France is one nation, one race, one religion, one sect, one language, and one civilisation. So what is strange in the demand of their workmen for equality between their individuals, after honouring what their government demands and what they owe it and [that] they will agree on its unity?

But we Ottomans have already united from the different nationalities in a way that has not yet happened in any other kingdom. We are different in race, descent, languages, religion, sect, education and culture, or we can say we differ in everything that people can differ in, but despite that we demand equality and celebrate its granting in general covenant and in places no doubt and no doubt in this magazine.<sup>366</sup>

Rida, recognised the complexities of the Ottoman project, but believed that both Muslims and non-Muslims could co-exist and rather better than the French experience. Supporters of the new constitutional change also viewed the Western powers arrogance towards Ottoman success with real contempt. This was indeed a reflection of the elation of revolutionary euphoria, but while Rida shared his optimism with the Young Turks, other ulema attitudes held a position of caution. Emphasising equality and fraternity were not to forge an identity to replace existing identities, but instead create an additional personality for allegiance and cohabitation.

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<sup>366</sup> Campos, *Ottoman Brothers*. p75



Figure 2: Picture of an *ālim* waving an Ottoman flag after the declaration of the constitution in 1908/1326 in Monastir. Provided by IRCICA

## Chapter 3 – The Ulema’s Intellectual Arguments Regarding Constitutionalism

### The Opening of Pandora’s Box

This chapter shall examine the ideas and theorisation of the ulema regarding constitutionalism from the perspective of their scholarly traditionalism. The ulema not only became visible and integral to the changing political conditions as social and political actors, but were also central to the consolidation of constitutional theory in theorising the merits of constitutional discourse within their own tradition, public consumption and political structure. What makes the ulema significant is not simply their role in the *ilmiyye* but in fact their authority regarding Islamic intellectual/legal/theological ideas that come from the Islamic tradition. Furthermore their belonging to a class that had its own culture of learning, also made them distinct, with this chapter placing special attention to this aspect of the ulema’s identity. While works still continue to focus on the secular<sup>367</sup>, it seems evident that the ulema were not simply justifying political ideals but inherently believed in them as part of a transformative process arising from their own traditions.<sup>368</sup> It was during this period that no longer was there a contestation of *istibdat* vs *meşrûtiyet*; as by now constitutionalism having become fully institutionalised- or atleast accepted in rethoric, instead a contestation took place regarding the conditions or style of the constitution. This is because there were supporters of an autocratic constitution who argued that indeed a constitution may be adopted, but were unwilling to give up on the political status quo. As Kara has explained, *meşrûtiyet* was being discussed as a political concept as well as a form of governance.<sup>369</sup> Thus, the ulema used the various platforms provided to institutionalise the idea of constitutional theory, in which many publications were made regarding this matter. The publications themselves indicate how Ottoman public opinion became an important tool for the political and religious class. To what extent the masses were invested in the project of constitutionalism is hard to tell. One may argue that the images of celebrations could point to the feelings

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<sup>367</sup> Ardıç, *Islam and the Politics of Secularism*.

<sup>368</sup> However, while academics do not question the ulema’s sincerity, it is argued by Niyazi Berkes, to some degree İsmail Kara and then Nurullah Ardiç, that nonetheless the ulema’s language paved the way for the easing of the secular political order in the form of the Turkish Republic.

<sup>369</sup> Kara, *İslâmcıların Siyasî GörüŖleri*. pp90-99



of the masses, however one needs to be a little sceptical of such constructed hysteria. Nonetheless it could be argued that a perception from the educated class along with the environment from the revolutionary emotions and symbols created a perception that public opinion was indeed important.

This chapter shall be broken down into three main components. The first section shall focus on the theorisation of and contestation over the conception of constitutionalism itself within the works of the ulema. Upon the reinstatement of the constitution of 1908/1326, the ulema's thoughts and ideas became available to the public, as part of a greater initiative under press freedom. While ulema thoughts in the Hamidian period were restricted, the plethora of ideas during the post-revolutionary phase point to the constitutional debates that were not simply reflective of the revolution but also of the earlier Hamidian debates from 1895/1312 as these ideas across the *devlet* could not have simply been formulated during the short months after the revolution- in fact it is also worth arguing that these arguments had a discursive nature that went beyond the Hamidian period itself. However, we can safely say that these ideas emanated during the Hamidian and then evolved and manifested into a plethora of ideals due to the conditions of the revolution. What is also worth of note is that these ideas didn't solely reflect the modern as Malcolm Kerr has assumed<sup>370</sup>, but as mentioned maintained their links to a traditional juristic culture of ulema political ideas that went farther back than the nineteenth century.<sup>371</sup> This section of the chapter shall represent how the ulema's ideas maintained an attachment to Islam being a discursive tradition of which political transformation are a part, as these ideas transformed as the *devlet*'s political and social conditions did.

The second part of the chapter is to examine the revolutionary ideas inspired from the French Revolution such as freedom, equality and fraternity as well as the Islamic ideal of justice. While there is no doubt that these ideas resonate with the French Revolution, nonetheless the ulema's ideas regarding these new conceptions were in fact to curtail and regulate the meanings, to the conditions of religion and the political requirements of the Ottoman polity. In particular the Ottoman Constitution would be presented as a consensus of the Ottoman political polity to regulate the

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<sup>370</sup> Kerr, *Islamic Reform*. p197.

<sup>371</sup> Abu-Manneh, "The Islamic Roots of the Gülhane Rescript. pp196-200 9Kara, *İslâmcıların Siyasî Görüşleri*. p122. Kara points to how Ibn Haldun was a reference point for many ulema, as was Ghazali a point also mentioned by Abu-Mannah.

revolutionary slogans to ideas that were more inherent to Ottoman traditions and Islam.

Lastly the final section of this chapter is to examine the *Muaddal Kânûn-ı Esâsî ve İntihab-ı Mebûsân Kânûnu*, which was the draft constitution presented to the parliament for deliberation in 1909 after the failed “counter revolutionary” attempt. A recent study by Susan Gunasti has done much to enhance the importance of both the document and the deliberation process.<sup>372</sup> Indeed, Gunasti’s contribution has done much to support this part of the chapter. However, in this chapter rather than restricting the process to the ideas of the *âlim* Hamdi Yazır as has been done in Gunasti’s case, it shall be explained how the thoughts of the document were reflective of a wider ulema trend across the region regarding Ottoman Constitutionalism. It will be explained how the drafting process of the *Muaddal Kânûn-ı Esâsî* was indeed a culmination of ulema influence and the centrality of the ideals of *Şura* and *Meşveret*.

Further more a point worth noting in this chapter is that while some academics have spoken of a modern Islamic constitutional process or indeed parliament as abstract ideals devoid of any historical precedent<sup>373</sup>, others have located its basis in nineteenth century Islamic political thought, but neglected the Ottoman ulema’s efforts in the imperial centre and the greater Ottoman narrative. The narratives were not merely neglectful but also restricted nineteenth and twentieth century ulema formations to Arabist reformist ulema such as Muhammad Abduh and Rashid Rida<sup>374</sup>, or to the Muslims of the Indian subcontinent such as Muhammad Iqbal<sup>375</sup> or Abu’l-Kalam Azad.<sup>376</sup> However, scholars and thinkers of the Arab world and Indian sub-continent were indeed products of the Muslim transnational/transregional world of which the Ottoman *devlet* - the last Caliphate - was the centre. While it is true that

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<sup>372</sup> Gunasti, “The Late Ottoman Ulema’s Constitutionalism.”

<sup>373</sup> Khaled Abou El Fadl, “The Centrality of Sharī’ ah to Government and Constitutionalism in Islam,” in *Constitutionalism in Islamic Countries: Between Upheaval and Continuity*, ed. Rainer Grote and Tilmann J. Röder (Oxford ; New York: Oxford University Press, 2012); Mohammad Hasim Kamali, “Constitutionalism in Islamic Countries: A Contemporary Perspective of Islamic Law,” in *Constitutionalism in Islamic Countries: Between Upheaval and Continuity*, ed. Rainer Grote and Tilmann J. Röder (Oxford ; New York: Oxford University Press, 2012); Saïd Amir Arjomand, “Constitutions and the Struggle for Political Order: A Study in the Modernization of Political Traditions,” *European Journal of Sociology*, no. 1 (June 1992).

<sup>374</sup> Hourani, *Arabic Thought in the Liberal Age, 1798-1939*.; Kerr, *Islamic Reform*; Zaman, *The Ulama in Contemporary Islam Custodians of Change*.

<sup>375</sup> Sevea, *The Political Philosophy of Muhammad Iqbal*.

<sup>376</sup> Muhammad Qasim Zaman, *Modern Islamic Thought in a Radical Age : Religious Authority and Internal Criticism* (Cambridge ; New York : Cambridge University Press, 2012). p48

ideas such as consultation and consensus have been examined by the likes of Rida,<sup>377</sup> or Iqbal, what hasn't been presented is that the Ottoman ulema had actively initiated the process in 1908-1909/1326-1327. These practices were not simply theoretical but actual, as the academic Khaled Abou el-Fadl expressed that constitutionalism is not an abstract ideal but requires practice.<sup>378</sup> If the constitutional amendments are placed within the ulema ideas and practices of 1908/1326 one may realise that the ulema of 1908-1909/1326-1327 were not simply theorising ideas but were putting them into practice as well. In this sense this chapter shall focus on the theories behind constitutionalism, the ideas of the French Revolution, and the attempt to place these ideas into practice thus placing the ulema's thoughts within the greater purview of their own traditionalist scholastic culture, at the same time placing the Ottoman ulema's constitutional effort at the centre of the constitutional debates in Islamic constitutional thought and presenting a historical example that can complement abstract theorisations by modern Islamicists, ulema<sup>379</sup> and Islamist alike.<sup>380</sup>

### **The Constitutional Ideas of 1908/1326**

Once the Constitutional Revolution had achieved its objective and the atmosphere of freedom was declared, within the printing press a host of articles in support of the new constitutional order began to be published across the *devlet*. The printing press allowed the ulema to use the tools of the 'modern' world and reach out a wider audience. In this sense one could safely argue that the ulema were indeed part of the changing world not reactionary to it. However, distinction should be made between saying that the ulema were modern 'and' modernist ulema/thinkers.<sup>381</sup> The ulema from all spectrums used the printed press as the new era of freedom provided much space for open debate throughout the *devlet*. As Muslims and non-Muslims rejoiced

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<sup>377</sup> Rida was an elected parliamentarian in 1920 and an architect of the Syrian constitution of 1920.

<sup>378</sup> Abou El Fadl, "The Centrality of Sharī'ah to Government and Constitutionalism in Islam." p36.

<sup>379</sup> Shaykh Ahmad Huraydī, Mufti of Egypt observed that the political order that held sway in the Muslim lands over the greater periods of history from the Ummayyads to the Ottomans did not on the whole comply with the principles of Islam. See in Kamali, "Constitutionalism in Islamic Countries: A Contemporary Perspective of Islamic Law." p19.

<sup>380</sup> Reza Pankhurst, *The Inevitable Caliphate? : A History of the Struggle for Global Islamic Union, 1924 to Present* (London : Hurst & Company, 2013).

<sup>381</sup> The term modern here implies that the ulema were able to use the new tools and means of the new changing world. Suggesting that they were not anti-progress. Modernists however were thinkers who wanted to 'reform' the tradition.

and endeavoured to appreciate the slogans of the revolution, it was in the printed press, combined with the traditional avenues of the public squares, coffeehouses, classrooms and mosques that discussions regarding the Islamic merits of the constitutional order were being declared to the populace. One could argue as many academics have that the Young Turks were not as strictly observant regarding their practicing of Islam, thus attempting to draw attention to their Islamic policies as being cosmetic. Yet even the diverse nature of the Young Turks couldn't deny the environment or its influence upon them. Just as one can aptly argue the influence of European thought on the Young Turks, it can equally be argued that Islamist thought also influenced them. The ulema too would become exposed to the new ideas of constitutionalism being openly discussed by the various segments of Ottoman society and would interact with the various interpretations and interests groups which had been restricted from expressing opinion openly during the earlier part of the Hamidian reign. While much of the ulema class and intelligentsia may have discussed these thoughts, the public by and large were disconnected from this type of expression. It seems ironic that the constitution, presented as the 'national will', represented a nation that knew very little about the constitution it had just helped to reinstate.

The constitutional process in 1908-1909/1326-1327 was unique from the first-wave of constitutionalism in the region, as in the second-wave; revolutionary activity formed much of the basis of the ideology of the constitutional documents in the region.<sup>382</sup> The first constitutional experiment in the Ottoman *devlet* in 1876/1293 was a top down approach, 'permitted' to the masses on the 'behest' of the Sultan and his advisors. However, on the second occasion it was presented that the constitution was demanded as a 'right' by the people, re-introduced due to an enforced transformation in 1908/1326. While Ottoman constitutional practice was not novel, its revolutionary reinstatement nonetheless represented a 'renewal' of a new political order. Although based on the project of 1876/1293 and indeed the long tradition of pushing towards government accountability in the nineteenth century, the constitutional epitomes of 1908-1909/1326-1327 would nevertheless propose ideals different from those of 1876/1293 or even the nineteenth century. The constitutional practices of the Second Constitutional Period were far more ideological and were entrenched in revolutionary idealism.

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<sup>382</sup> Sohrabi, "Global Waves, Local Actors."

When revolutionary activities and regimes proclaim their triumph by instituting a constitution, the constitution is presented as ‘new’ (*cedid/Jadīd*) or a ‘renewal’ (*tecdid/tajdīd*). The idea of renewal attached the Ottoman Constitution both to the traditional past and at the same time the present. It is thus, from this point that we can argue as Talal Asad has explained about Islam being a discursive tradition with the constitutional debates being a part of this during the late Ottoman period.<sup>383</sup> Whether one wants to call the constitution Islamic or Islamicate as simply down to a choice of words, but how the ulema viewed it at the time, was one that was Islamic, which should be noted. In the Ottoman case this appeal was both to the constructed glorious past of 1876/1293 as the Young Ottomans and Midhat Pasha were celebrated as heroes, as well as to placing Niyazi and Enver Bey as the new heroes of the present in the same light, creating a projection of saving the future. While Midhat and the Young Ottomans were presented as the fathers of constitutionalism, Niyazi and Enver were presented as the revolutionaries who actualised it once again. The appeal to the constitution of 1876/1293 was necessary to legitimise the demand of the ‘right’ of the people for good governance in the guise of the constitution, which legitimated the revolutionary zeal of the constitutionalists. It cannot be doubted that the euphoria indeed facilitated the hallmarks of declaring the ‘new’, as it pitted the ‘new’ *Meşrutiyet* against the ‘old’ *İstibdat*. It also placed the constitutional activity within the Islamic framework of *tecdid*, in which Islamic renewal was presented for the new constitutional conditions.

New celebratory coins were designed, as were revolutionary flags and musical anthems. But more importantly the constitution in practice, ideology and structure was presented as a renewal of Islamic forms of Ottoman traditional practice, for public consumption and the recognition that the Constitution of 1876/1293 could no longer stand in accordance with the new political conditions. Although the debates had revolved around *Meşrutiyet* against *İstibdat*, nonetheless, a general consensus within the ulema circles was starting to become apparent where both supporters, those in support of a strong Caliph and those in favour of greater representation all accepted the new tentative constitutional conditions – albeit for different reasons. The contestations would no longer be within the traditional conception of *İstibdat* with *İstibdat* now becoming a pejorative term. The arguments remained within the constitutional purview where traditionalists argued that the constitution was a

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<sup>383</sup> Asad, “The Idea of an Anthropology of Islam”; Anjum, “Islam as a Discursive Tradition: Talal Asad and His Interlocutors.”

prerogative of the Sultan provided to the masses, while the other group insisted that the constitution was above the Caliph and thus the Caliph had no authority to abrogate it. Constitutional contestations now began to take place regarding what a constitutional order should reflect.

The constitution was being amalgamated to becoming synonymous with the 'national will', while the slogans that surrounded the constitutional order would be integrated within the constitution as articles in order to enunciate what those concepts meant.<sup>384</sup> The slogans of freedom, equality and fraternity, as well as consultation and justice were not necessarily important in the mode they were expressed, but in the way that they were understood. The ulema and the Ottoman political class started to recognise that the euphoria of the slogans was now beginning to create confusion, and so the concepts of freedom, equality and fraternity were to be understood in the manner they appeared in the constitution. Said Arjomand describes that the ideological constitution's central goal is not simply to limit government but to transform society in accordance to the revolutionary ideal.<sup>385</sup> Freedom, equality and fraternity were to be understood on how the constitution described freedom, equality and fraternity. A host of publications thus were published throughout the Ottoman domains explaining such, as can be seen in the works of the future *Şeyülislam* Mûsâ Kâzim who titled one of his first articles after the revolution as *Hürriyet-Müsâvat*. These terms were being constructed within the culture of law as the constitution was understood as the 'fundamental law' (*Kanun-i Esasî*).

Khaled Abou el-Fadl mentions that although in the past the idea of government limited by the law was well supported in the Islamic tradition, this did not necessarily amount to the principle of limiting government to the rule of law. However, by 1909/1327 this was indeed taking place, as Susan Gunasti has shown during the constitutional amendments the ulema had appropriated the constitution as a requisite for the Caliphate in which *âlim* Elmalılı Hamdi Yazır mentioned that the new government structure was the constitution, the constitutional government and the Islamic Caliphate in that order.<sup>386</sup> It is evident that Hamdi Yazır and the ulema who thought like him were of the opinion that the conditions of the government were a requisite for the government. The Sultanate was an accepted style of governance, but

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<sup>384</sup> For the original text see Mûsâ Kâzim, "Hürriyet - Müsâvât," 1908/1326; For an explanation of this idea see also Kara, *İslâmcıların Siyasî Görüşleri*. p103

<sup>385</sup> Arjomand, "Constitutions and the Struggle for Political Order: A Study in the Modernization of Political Traditions." p11.

<sup>386</sup> Kuçuk Hamdi, "Vaaz" BH, October 12, 1908/1326.

the Caliphate was an ideal that had conditions that needed to be met. Many had started to venerate the seat of the Caliphate from the start of the *Tanzimat* reaching its peak in the Hamidian, which became problematic for many ulema thus what was paramount for the ulema was the need to help people understand what the government actually was and separate a host of myths such as the concept Sultan veneration and create a more accountable political system that in essence represented an ideal Caliphate. It thus seems that a reading of Hamdi Yazır was that he was rather interconnecting the Ottoman Caliphate to a constitutional system which would make future Caliphates inseparable from the ideal of constitutionalism and which consolidated that the constitution a requisite for ‘just’ governance, responsibility, consultation and accountability as it was an attempt to create a conditional government that would be held to an ideal and reduce governmental abuse. This was consolidated when Sultan Abdülhamid II was asked to swear an oath declaring such. What is thus worth of note is that many ideologues within the Muslim world had convinced themselves that the constitutional project was a modern representation of the Caliphates of the Four Rightly Guided Caliphs.

The impact of the Ottoman effort should not go unnoticed as up until today Islamic revivalist movements have accepted the same premise of the constitution as a required requisite of Islamic governance.<sup>387</sup> Much of Islamic historical writings have eulogised the *personalities* of the Four Rightly Guided Caliphs in the literature of the ulema throughout Islamic history, however much emphasis on that period has focused on the establishment and formulation of the institution of the Caliphate which mention the *systems of election, consultation and accountability*. Narratives of the Four Rightly Guided Caliph’s while emphasise on their character, thus suggesting they were rightly guided, more significantly emphasise more so on their political activity.

İsmail Kara has suggested that in the Late Ottoman Period the ulema in opposition to Sultan Abdülhamid II emphasised on the Rightly Guided Caliphs as an attempt to de-legitimise the Hamidian regime by suggesting that *istibdat* had entred the Islamic governmental structure from the period of the Ummayad dynasty, as a way of making distinction between the idea of a Sultanate and an ideal Caliphate.

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<sup>387</sup> Pankhurst, *The Inevitable Caliphate?* pp71-79,114-121,156-160.

However, this trope in Islamic thought is not unique to the Ottoman thinkers during the late Ottoman *devlet* and can be seen in earlier works of Muslim scholars.<sup>388</sup>

Additionally there is also ample works of constitutional traditions and practices that are also presented in ideas of thinkers regarding Ottoman history prior to the Hamidian period that also must be taken into account when examining ulema criticism towards the Hamidan regime and its form of governance. The likes of the Young Ottomans such as Namik Kemal and Ali Suavi point to the *divan* and Janissary as being reflections of consultation and constitutional checks in previous Ottoman governments.<sup>389</sup> Al-Diyaf in his work had mentioned that the Qanun along with the ulema and Janissary had held the Sultan to account to his commitments in previous Ottoman governments also.<sup>390</sup> Furthermore earlier nineteenth century works such as al-Diyaf, Hayrettin and the Young Ottomans also discuss the idea of the first four Caliphs in Islam as being an ideal, but while Sultanate authority became the norm nonetheless other Caliphs and governments throughout Islamic history had used principles of consultation and had conditional governments within a framework of *istibdat*. Thus, we must be careful in essentialising the ideas of the Islamic thinkers of the late Ottoman *devlet* as simply re-inventing tradition to remove Sultan Abdülhamid II from power. It is clear that there is a large corpus of literature and traditions that continue to point to constitutional practices as well as *istibdat*. It is thus this paradox that suggests that once the Sultanate system was introduced to the Muslim world from the Umayyad dynasty facilitating the notion of *istibdat* on the one hand while on the other Islamic political history being littered with examples of constitutional traditions and consultation. This does not need to be seen as a contradiction if one views that much of Islamic history is a balance between idealism regarding narrative and pragmatism regarding actual governance.

It is my view that the Second Constitutional Period would thus present a formulation of constitutional Caliphate that has yet to be explored properly as much of the narrative has been placed within a defensive secularisation paradigm that has not allowed the examination of late Ottoman Islamic political theory to stand alongside earlier Islamic political works leaving much modern theorisation simply abstract. It is

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<sup>388</sup> Kara, *Islâmcıların Siyasî Görüşleri*.p125

<sup>389</sup> Ibid,p125

<sup>390</sup> Ibn Abi Diyaf, *Consult Them in the Matter - A Nineteenth-Century Islamic Argument for Constitutional Government The Muqaddima (Introduction) to Ithaf Ahl Al-Zaman Hi Akhbar Muluk Tunis Wa 'Ahd Al-Aman (Presenting Contemporaries the History of the Rulers of Tunis and the Fundamental Pact)*.p21



true that in the Ottoman case there was a political reality that facilitated an intellectual environment, nonetheless, the fact that the idealisations and practices of the late Ottoman Constitutional experiment are not being viewed as an attempt by the ulema of political restructuring but rather facilitating the conditions of the secular Turkish Republic is rather telling not of the reality of the time but of the state of Ottoman studies and the impact of secularism on the late Ottoman narrative.

### **Autocratic Constitutionalism, *İstibdat* or *Meşrutiyet* – Remnants of 1876/1293**

From the treaty of Küçük Kaynarca and then more so from the *Tanzimat* period onwards the Ottoman claim to be the rightful Caliphate became ever more visible in the ceremonial symbols of the imperial centre. Coins were minted in the name of the Ottoman Sultan as Caliph, and letters and edicts were signed by the Ottomans as custodians of the holy cities. The Hamidian state extended that mode further and made outwardly appeals to the seat of the Caliphate to strengthen the bond between Muslim subject and Sultan. During the three decades of Hamidian rule, the seat gained even further significance as the regime's aim to venerate the Sultan as Caliph was hoped to fortify the house of Osman as the heirs of the exalted office of the Prophet, his *shadow on earth* and hence further strengthen the bond between Sultan and his subjects. Attaining support from the various Sufi *tarikats*, the seat and the community became embroiled in much emotive symbolism. This was not new in Ottoman history, and the Caliph expressing himself as the shadow of either Allah or the Prophet was an accepted practice. However, by 1908/1326 a consciousness among the ulema would critique this idea as well.

Apart from the brief spell of constitutional governance in 1876/1293, the Hamidian period was now being tainted by the rule of *İstibdat*.<sup>391</sup> While the Hamidian structure was not very different from the political structures of Ottoman governments in the past, the Hamidian state's abolishment of the parliament of 1877/1294 and marginalisation of the constitution meant that proponents of the constitutional call pitted the return to *Meşrutiyet* against 'Hamidian *İstibdat*'. In

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<sup>391</sup> *İstibdat* did not have a clear meaning prior to the revolution of 1908/1326. Initially its meaning meant either absolutism or authoritarianism. By 1908/1326 however, most thinkers attacked even an authoritarian form of government thus placing *İstibdat* within the general purview of despotism.

particular, callers of the new constitutional order thus constructed a dichotomy of Hamidian *İstibdat* against a new progressive and inclusive *Meşrutiyet*. As mentioned, during the inception of the revolution the ulema presented the constitutional order as the ideal form of governance, similar to the governance of the first Four Rightly Guided Caliphs of Islam.<sup>392</sup> The discussions thus centred on the nature of the constitutional government and how *Şura* became synonymous with the parliament. The criticism towards *İstibdat* was not solely a phenomenon of the Second Constitutional Period as discussions on an ideal government had even been deliberated during the *Tanzimat* period. During the *Tanzimat*, the Arab *ālim*/intellectual from Tunis Ahmed al-Diyaf mentioned three forms of governance: an absolutist monarchy which brings injustice, republicanism which ignores Islam, and Islamic constitutionalism. He continued that in the old regime, Sultanic Kanuns, the law and edicts equated to parliamentarianism.<sup>393</sup> When mentioning Islamic constitutionalism, al-Diyaf insisted on the necessity of the Imam for Muslims in regards to their governance, never moving away from the concept of a single ruler. For al-Diyaf this was a necessity implored by revelation not reason. He argued that in previous times the Quran and Sunna acted as constitutions. Diyaf accepted that Western governments had by their own rationality and established a good political system of what one could call a Republican system. However, he stresses that for the Muslims they have the advantage of both using their rational and the sacred text to have a form of government that could use the benefits of a modern political government that was in harmony with both reason and revelation. When it came to representative governance and *istibdat*, al-Diyaf often referencing Ibn Khaldun argued that absolute rule only belonged to Allah, and if humans, who are flawed and limited attempted such, this would lead to authoritarianism of the negative sense.<sup>394</sup> What is also worth of note is al-Diyaf mentions the need of a Grand Council as he argues that this is a guardian council of the '*Ahd al-Aman* (Those that loosen and bind) and the constitution and that the ulema should be involved. But al-Diyaf's point of view was not an innovation simply a reconstruction as he believed that the

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<sup>392</sup> Ali Haydar Emin, "Delâ' il-I Meşveret," *SM*, August 21 1908/1326.; Bereketzâde İsmâil Hakkı, "İslâm ve Usûl-I Meşveret," *SM*, September 24 1908/1326. See also Hoca Shakir in Fetva 14 in Şakir, "Ulema-Yı İslâm Enarellahu Berahinehum Tarafından Verilen Feteve-Yı Şerife."

<sup>393</sup> A translation text of the original can be found in Ibn Abi Diyaf, *Consult Them in the Matter*. An explanation can also be found in Abu-Uksa, *Freedom in the Arab World Concepts and Ideologies in Arabic Thought in the Nineteenth Century*.pp182-83.

<sup>394</sup> Ibn Abi Diyaf, *Consult Them in the Matter* - pp10-17

principle of representative governance, consultation and the rule of law were somewhat in place in the Islamic world.<sup>395</sup>

These ideas were prevalent in Young Ottoman thinking as well as in Hayreddin Pasha's political thought. What had changed by the Second Constitutional Period was that these concepts were no longer the ideas of a select few, but became widespread and continued to be consolidated in the political thought of the ulema. Of them in 1908-1909/1326-1327, the *âlim* İzmirli İsmail Hakkı Efendi would also later discuss the different types of governance. He too stated that there were three types of governance: absolute, constitutional and republican. Similar to the ideas of al-Diyaf, he stressed that in an absolutist regime the leadership of the government is hereditary. The ruler is not restricted by any regulations and administers solely his own opinion. The people submit to the rule of the ruler.<sup>396</sup> Also a critic of an absolutist form of government İsmail Hakkı Efendi would go on to add that Islam, however can never accept an absolutist government. In Islam the leader cannot govern as he pleases [arbitrarily]. He is bound by the Sharia and must lay down the principles of justice, protecting the rights of the people and assure public interest. The government's duties were to execute consultation and responsibility. The peoples were to order the lawful, prohibit the unlawful, invite to the good and conduct their affairs in a moderate manner. This was not simply a critique of the Hamidian regime, but more so laying the foundations of a future government in the Ottoman *devlet*. For İsmail Hakkı Efendi the constitutional government takes its legitimacy, beauty and superiority from this quality thus pointing to a constitutional form of governance as the best form of governance for the *devlet* and thus for İsmail Hakkı this is the Islamic government.<sup>397</sup>

A further explanation of this thought can be seen in the works of *âlim* İskipli Âkif Efendi, who mentions that there are four types of governance also, *Meşruta*(Consultation), *Cumhuriye*(Republicanism), *Mutlaka*(Absolutism) and *Hilafet* (Caliphate). He argued that in the absolutist regime the rights to be head of state belongs to one family and is hereditary and the ruler is not restricted by any laws. The ruler rules arbitrarily and has the power to legislate. In the *Meşruta* it is still hereditary but the ruler has to consult and legislative power is used by the nation and ruler in corporation. But it is his categorisation of the Hilafet (Caliphate) which he

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<sup>395</sup> Ibid, p10

<sup>396</sup> İzmirli İsmail Hakkı in Türkiye'de, English translation can be found in Ahmet Şeyhun, *Islamist Thinkers in the Late Ottoman Empire and Early Turkish Republic* (Brill, 2014).p92.

<sup>397</sup> İzmirli İsmail Hakkı, Türkiye'de,

calls *Hilafet-i Kamile* ( The Ideal-Caliphate) that is worth of note for us. İskipli Âkif Efendi went a step further than İsmail Hakkı Efendi by adding the Caliphate as a distinct category from the concept of *Meşruta* (Consultation) thus leaving the door open for two distinct styles of government. He argues that in a *Hilafet-i Kamile* the ruler is not limited to a dynasty, anyone who meets the requisite of Caliph can be so, so long as he is elected by the *ummah*. The elected Caliph continues to rule and use his powers unless there is a case or situation where he needs to step down, dies or needs to be removed from power.<sup>398</sup> This suggests that it is not the institution of consultation that is of most important but rather the institutions of electoral representatives as a way of establishing a relationship between the ruler and the ruled. However, İsmail Hakkı Efendi hasn't said that *Meşruta* can not be part of the Caliphate form over government either.

Both *âlim* Mustafa Sabri and *âlim* Mûsa Kâzım Efendi also gave opinion with Sabri saying that the system in which the government is restricted or bounded by certain rules or conditions about how to rule is called *Meşrutiyet*. On the other hand a system that rules the people without any restrictions or limitations is called a system of *istibdat*. Mûsa Kâzım argued that actions of a government are limited by rules of law which means all action conform to the laws and that the government doesn't do anything against the law. The opposite of this is *istibdat*. *İstibdat* is not being limited or bound by the laws.<sup>399</sup>

### ***İstibdat* – Autocracy, Authoritarianism or Despotism?**

Mûsa Kâzım Efendi would later publish a pamphlet in a form of his biography that was also to be a critique on the concept of *İstibdat*.<sup>400</sup> It was an attempt to explain why the ulema had criticised the Hamidian state. The concept of *İstibdat* became so maligned that while authoritarianism was considered the norm in past governments<sup>401</sup>, by 1908/1326 it was difficult to find usage of the term in a normative light. He would stress:

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<sup>398</sup> Kara, *İslâmcıların Siyasî Görüşleri*.pp100-102

<sup>399</sup>Ibid., p101

<sup>400</sup> Mûsâ Kâzım, “Devr-i İstibdâd Ahvâli ve Müsebbibleri,” 1910.

<sup>401</sup> Kırmızı, ““Authoritarianism and Constitutionalism Combined.”, pp54-55. Ahmed Midhat made a distinction between autocracy and absolutism: According to him, absolutism was synonymous with lawlessness. An absolutist government would be the consequence of corrupt statesmen.

For some ages now the nightmare of despotism has come to be throughout the Islamic world with astonishingly destructive results for the people of Islam everywhere and in every situation, so [that they] remain behind other peoples. For this reason, many Islamic governments have come to an end...It is despotism, not religion, that has held the Muslims back on the late years of Islam's history.<sup>402</sup>

Conservative Sheikh Said Nursi also spoke in similar terms when addressing a gathering on the merits of constitutionalism. He said:

Despotism is oppression. It is dealing with others in an arbitrary fashion. It is compulsion relying on force. It is the opinion of one person. It provides extremely favourable ground for exploitation. It is the basis of tyranny. It annihilates humanity. It is despotism that reduces man to the most abject valleys of abasement, has caused the Islamic world to sink into abjection and degradation, which arouse animosity and malice, has poisoned Islam- and in fact sows its poison everywhere by contagion, and has caused endless conflict within Islam by giving rise to its deviant sects...<sup>403</sup>

Mûsa Kâzım extended the idea of *istibdat* to social fears also. He argued that people under *istibdat* can never be free of *zulüm* (oppression) and can never experience welfare and happiness.

In the works of Said Nursi he explained “[T]hat an oppressor does as he wishes, as one persons opinion is bound to lead to mistakes. *Zulüm* is the destroyer of humanity...we did not know *İstibdat* was such a poiseness killer. Thanks to Allah it is destroyed’.<sup>404</sup> As mentioned, for Nursi domination, arbitrary action, use of force all connoted to *istibdat* to reflect despotism.<sup>405</sup> It seems that both Mûsa Kâzım and Said Nursi were accepting that *İstibdat* had been the normative way of ruling in the Muslim world but not the ideal. Thus, in order to promote constitutionalism they chose to critique any form of authoritarian governance. Nursi also accused scholars who were unable to accept a divergence of opinions in scholarship as favouring *İstibdat*.<sup>406</sup> Mustafa Sabri Efendi wrote in his first article in the *Beyan’ül-Hak* ‘that demolishing *İstibdat* was the duty of the ulema but due to the fact that they were the

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<sup>402</sup> Reinhart, “Musa Kazım : From Ilm to Polemics.”pp294-295.

<sup>403</sup> Sukran Vahide, *Islam in Modern Turkey: An Intellectual Biography of Bediuzzaman Said Nursi* (SUNY Press, 2012).p85.

<sup>404</sup> Said Nursi, *Hürriye-e hitab*, 1908/1326.

<sup>405</sup> Kara, *İslâmcıların Siyasî Gorusleri*.p125

<sup>406</sup> Said Nursi in Şeyhun, *Islamist Thinkers in the Late Ottoman Empire and Early Turkish Republic*. pp53-58.

most oppressed it was not possible to achieve this without the help of the CUP and soldiers'.<sup>407</sup> Similarly, during the 31<sup>st</sup> March Incident the *Sırâtülmüstakîm* journal called 'those 15 days as a second period of *İstibdat*' as any criticism towards any segment of authority would be called *İstibdat*.<sup>408</sup> While *İstibdat* was still open to debate on meaning authoritarianism, autocracy or despotism during the Hamidian period, by the Second Constitutional period it came to echo more pejorative undertones. This was not the first time in ulema tradition that *İstibdat* was criticised, as earlier scholars of Islam have mentioned that a consultative system as the ideal. The medieval *ālim* al-Ghazali had said '[D]espotic, non-consultative decision-making, even from a wise and learned person is objectionable and unacceptable.'<sup>409</sup>

### Those in Authority Amongst You

There was a discourse within Muslim tradition of veneration of leaders and scholars as a sign of respect, love and loyalty, especially in the matter of obedience towards those in authority. While Islamic idealism pointed towards consultative governance, on many occasions pragmatic tolerance of authoritarian governance was accepted as long as the law was implemented and the interest of the subjects was safeguarded. However, the culture of veneration was heavily criticised as the Arab Sheikh Rashid Rida complained in his *al-Manar* newspaper "[T]he people of Anatolia believe that the Sultan has been created differently than other people. They think his beard is green and his face flowing with light and radiantness. These are naïve people."<sup>410</sup>

The discourse aimed at stripping the aura of veneration from the Caliph and making the case for placing authority into the hands of the masses or at least the parliament. While in opposition to the Sultan during the late Hamidian period prior to the Revolution the ulema had published much material attempting to do such. On one instance Hoca Şakir Efendi in a publication of a series of *fetvas* delegitimising *İstibdat* was asked, 'if the *ummah* were in a dire situation due to the policies of the ruler, what should the ruler do?' The answer was "he should abdicate".<sup>411</sup> In another

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<sup>407</sup> Mustafa Sabri Efendi, "Beyan'ül-Hak'ın Mesleği," BH, October 5, 1908/1326.

<sup>408</sup> Sırâtülmüstakîm "Abdülhamîd-i Sâni'nin Hal'ine Dâir Meclis-i Umûmî-i Millî Karârnamesindir" 3 May, 1909.

<sup>409</sup> Kamali, "Constitutionalism in Islamic Countries: A Contemporary Perspective of Islamic Law." p50.

<sup>410</sup> *al-Manar*, p423.

<sup>411</sup> Şakir, "Ulema-Yı İslâm Enarellahu Berahinehum Tarafından Verilen Feteve-Yı Şerife."

*fetva* he was asked if there was any distinction between Muslims, his answer was no, thus attempting to deconstruct the concept of hierarchy between Muslims placing the Sultan as the same as the average Muslim.<sup>412</sup> The alternative discourse against total obedience was firstly to make no distinction between Muslims, be that the Caliph or average layman. The second was that there was no hierarchy in Islam. No Muslim in principle was to be better than another, except in the eyes of Allah. This was to address the concept of authority as one that was not restricted to the Caliph and that only communal decisions were acceptable.

The contestation was over the concept of the Quranic injunction to “obey those in authority from amongst you”[4:59].<sup>413</sup> Supporters of Sultan Abdülhamid throughout the Hamidian period had stressed on the meaning related to the prerogatives of the Caliph. Although supporters of this position would in the constitutional period adapt themselves to accepting constitutional governance, nonetheless, they still continued to stress on obedience to Abdülhamid due to him being the Caliph.<sup>414</sup> In many ways they were upholding the Caliph above the constitution not that the constitution was a requisite for the Caliphate. Hamdi Yazır was quick to address this claim by explaining that the Caliph was bound by the law, and if the Caliph should transgress the law, the notion of national sovereignty goes into force to limit his action for only Allah should be obeyed unquestionably. He would explain further later in his Quran *tafsir* that this injunction doesn’t necessitate blind obedience as in the verse where it says ‘those in authority’ was not immediately followed by ‘and obey’, which according to Hamdi Yazır meant disobedience was permitted.<sup>415</sup> He qualified this by explaining that obedience was linked to the leaders commanding the good. He pointed that the appointment of the *ulū l-amr* (authority) is the outcome of the contract between the *ummah* and the *Imam* (Caliph), which is a social contract, and the *Imam* was bound by certain conditions of the contract. Although this view may be perceived as being modern it did have medieval Islamic undertones. As medieval *ālim* al-Bāqillāni had explained:

He [the Caliph] is not the people’s Lord so that he could possibly do without [their assistance]; and he is not Allah’s Prophet, acting as their agent to Allah. But he and the people are partners who [must]

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<sup>412</sup> Ibid.

<sup>413</sup> The Holy Quran- Surah An-Nisa [4:59].

<sup>414</sup> Dağıstânî, *Hadis-I Erbaîn Fi Hukukî’s-Selatin*.

<sup>415</sup> Gunasti, “Approaches to Islam in the Thought of Elmalılı Muhammed Hamdi Yazır.” p119.

cooperate for the welfare [of the people] in this early life and the Hereafter. They [the people] must help him, and he must help them. The Imam (leader) is charged to apply the laws expounded by the Prophet and recognised by the nation, and he, in all that he does, is the nation's trustee and representative, and it [the nation] is behind him, correcting him and reminding him...and removing him and replacing him when he does what calls for his removal.<sup>416</sup>

There still continues to be theological debates surrounding who 'those in authority' are in the Quran, but in this period it was clear that its interpretations were moving away from the Caliph and closer towards the elected parliament. The contestation was not a new one as Islamic scholars of the past had also contested the meaning of the verse. Medieval scholar Fakhr al-din al-Razi had already stressed that the people in authority were the ulema<sup>417</sup>, a view that was later endorsed by Mustafa Sabri Efendi in 1908/1326. The Egyptian Muhammad Abduh had argued that the verse was in relation to the *ahl al-hall wa'l-`aqq* (People who loosen and bind), a common position which had been held by the medieval scholars of Islam.<sup>418</sup>

Abduh said:

Those in authority are the Muslims who loosen and bind. And these are the rulers and the governors, the ulama, the military commanders, and all those leaders and notables to whom people turn to in need and in matters concerning the common good (*al-masalih al-`amma*). When they all agree on a matter, it is necessary that they are obeyed, provided [the following conditions are satisfied]: that they be from amongst us; that they not contravene a command of Allah or the [most authoritative of] the reported teachings of the Prophet...; that they be unconstrained in the discussion on the matter [in question] on in their agreement on it, and that what they agree upon is itself a matter of the common good and one that those in authority have the required authority and knowledge to rule on...<sup>419</sup>

But while positions started to point towards providing decision-making to include the ulema in 1908/1326, Ömer Ziyâeddin Dağistânî, a conservative supporter of the Caliph, had repeated the claim that this verse was related to the Caliph only, even though by now it was clear that the general position on this verse was pointing towards parliamentarianism. Dağistânî's view was similar to Yusuf al-Nabahani in

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<sup>416</sup> Kamali, "Constitutionalism in Islamic Countries: A Contemporary Perspective of Islamic Law." p40.

<sup>417</sup> Zaman, *Modern Islamic Thought in a Radical Age*. pp48-49.

<sup>418</sup> Ibid., p48.

<sup>419</sup> Zaman, *Modern Islamic Thought in a Radical Age*. pp49-50.



1895/1312 who insisted that the verse was regarding the Caliph.<sup>420</sup> It can come as no surprise that both al-Nabahani and Dağıstânî were strong advocates of Sultan Abdülhamid II and his style of governance.

*Âlim* Kocali Abdülaziz provided an alternative and more balanced view by accepting the need to obey authority by citing the following verses to argue for the necessity of obedience to authorities (*ulü'l emre itaat*), but then he followed with a condition which was 'that rulers need to consult the *ummah*: [Nisa, 4/59], [Al-i Imran, 3/159], [Şura, 42/38].<sup>421</sup> He thus expressed authority not simply to the Caliph and placed a condition that appealing to the *ummah* was required, thus placing the *ummah* as a political institution above the Caliph. It must be added that consulting the *ummah* reflected consulting the parliamentarians who were the representative of the *ummah*. Although the authority belonged to the *ummah*, they nonetheless would need to show obedience to those in authority who were elected to represent them and could safeguard their interests in this case the parliament. Furthermore he implied that the leader would also need to consult the parliament, as that was him consulting the *ummah*.

The parliament came to represent not only the "people who loosened and bound" (*ahl al-hall wa'l-àqd*) but also the people who would represent the interest of the *ummah*. When the draft proposal was presented to the parliament in 1909, it stated that 'the Caliph is subject to the supervision of "the people who loosen and bind" (*ahl al-hall wa'l-àqd*) in the general assembly'.<sup>422</sup> In 1911/1329, Mustafa Zihni Efendi, an *âlim* and governor in Iraq maintained and consolidated that in the twentieth century this verse reflected the conditions of the Ottoman Parliament.<sup>423</sup> By 1909/1327, the parliament's members had agreed on this point and this would later become institutionalised as the official position of the state, even though individual ulema would continue to contest this point as the rapidly changing conditions of the *devlet* continued to place much focus on authority and its changing nature. In 1908/1326, during the advent of the success of the revolution, Rashid Rida was asked to give a public speech in Cairo, with fellow *âlim* from al-Azhar Sheikh Hussein al-Ghazi

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<sup>420</sup> Ghazal, "Sufism, Ijthād and Modernity, Yūsuf Al-Nabahāī in the Age of Abd Al-Hamīd II." p244-245.

<sup>421</sup> Kolcalı Abdülaziz, *Kur'ân-I Kerim ve Kânûn-I Esâsi*, 1908/1326. pp1-2. I would also like to thank Abdullah Taha Imamoğlu. He has written a Turkish version of this article in Abdullah Taha Imamoğlu, "Kur'ân-I Kerim ve Kânûn-I Esâsi," *Türk Hukuk Tarihi Araştırmaları* Sayı 9 (2010): 137–44.

<sup>422</sup> Muaddel Kânûn-i Esâsi, pp5-6.

<sup>423</sup> Mustafa Zhini, "İslam'da Hilafet (1911/1329)," in *Hilafet Risaleleri*, ed. İsmail Kara, vol. 3 (İstanbul: Klasik, 2003). p107

which he would publish in the *al-Manar*, where he also explained to the masses the idea of those in authority. He said:

This day is an *Eid* for the Ottomans in general and the Muslims in particular. It is Eid for the government of *shurā* with which the Ottomans are basking in its benefits, all of them and all the ethnicities and races. The government of the *shurā* which Islam approves by what Allah says ‘*wa amruhum shura baynahum*’ and when he says ‘*wa ithma ja’hum*..... The issue of security and fear from the general matters are related to the *siyasa* of the ummah and her administration and the Quran assigns the matter to the Prophet alone and he is the infallible imam, and the owner of the Sharia and His [Allah’s] conveyor. He made the matter of this issue to the people of authority from amongst the ummah. They coordinated according to the *shurā* between them. Who are the people of authority? Some of them, the distorters or who are wool gathering say the people of authority are the kings and sultans. This allegation is false because the Prophet did not have with him kings and sultans when the ayats were revealed. He[the Prophet] was rather consulting the people of authority and the dignitaries of the people of the ummah, they are the ones who are known as the *ulu’l amr*, the people of authority without dispute. So have you ever seen this *hidayah* (guidance) to the government of the Sharia and the authority of the ummah? Is there any confirmation in the Sharia or any religion which is more eloquent than this? If the Lord of the universe did not agree for the seal of his Prophets and Messengers to be independent in conducting the affairs of the masses to the exclusion of the people of opinion from amongst his ummah how could he allow anyone else to legislate for anyone else amongst his followers to do so. <sup>424</sup>

Rashid Rida, clearly inspired by his mentor Abduh and the Ottoman effort, would explain again in 1920/1338 that those in authority may well take the form of the elected representatives of the people, comprising a consultative or legislative body that has been delegated to them to decide things on their behalf. He believed on the principle of the Islamic government being consultative which had been the philosophical basis of Islamic rule.<sup>425</sup>

While the Ottoman effort was moving towards the instituting of the parliament as the ‘people in authority’ and ‘those who loosen and bind’, most positions included the ulema as part of this group, thus placing the parliament and ulema in it as the ones who should be obeyed. The general consensus was pointing towards parliament’s authority over the Caliph’s traditional prerogatives. It was evident that during this period, the opinions restricting this definition only to the Caliph were quickly becoming marginalised. Any reading that restricted it to Sultan

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<sup>424</sup> *al-Manar* pp466-467

<sup>425</sup> Elizabeth Thompson, “Rashid Rida and the 1920 Syrian-Arab Constitution, How the French Mandate Undermined Islamic Liberalism,” in *The Routledge Handbook of the History of the Middle East Mandates*, ed. Cyrus Schayegh and Andrew Arsan (Routledge, 2015).

Abdülhamid would start to be openly challenged. In 1909, during the constitutional amendment process, the *Muaddel Kânûn-i Esâsî* was not simply a consolidation of the parliament as the ‘people in authority’, but it was also a practice of consensus of which the parliament was the body and the ulema were an integral part.

The Hamidian state had created problematic conditions for itself, as by introducing a host of emotive symbols around the ‘ideal Caliph’ to bond with the Muslim community, it had facilitated an environment of much emotion. Religious communities, as Jan Peter Hartung has explained, are ‘emotional communities’ and can be regulated and moved by religiously inspired symbols from religious authorities.<sup>426</sup> The Muslim community showed much loyalty to the seat of the Caliphate as a spiritual office, but some ulema complained the seat was also a temporal one, and needed regulation and to be held to account.<sup>427</sup> As a result, on the one hand was much of the community, driven by the Sufi movements and the policies of the Hamidian regime to revere the seat of the Caliphate as a religious duty, and then there were members of the ulema and political actors who viewed political activity as a material act, and whose main objective was simply to safeguard the implementation of the law and interests of the people.<sup>428</sup>

The Sultan’s regime eventually struggled to balance normative Muslim expectation and the difficulties of tangible realities. In the midst of this the ulema took on special significance as inter-Muslim politics debated the nature of what the Caliphate meant and where to situate the new political culture of constitutionalism. The Constitutional Revolution was an act of defiance and - some might even argue - rebellion against the Sultan who was presented as the sole authority of the *devlet*. Constitutional discourse had not only introduced a culture of governmental accountability and demand for responsibility, it also ushered in an inclusive parliamentary political culture in the guise of consultation. It had reduced the culture of Sultan veneration, in which leadership could be criticised openly and nobody was off limits, whether it be *Şeyhülislâm* or Caliph.<sup>429</sup>

This new culture made those who supported the Hamidian regime anxious of

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<sup>426</sup> Jan-Peter Hartung, “Who Speaks of What Caliphate? The Indian Khilafat Movement and the Aftermath,” in *Demystifying the Caliphate: Historical Memory and Contemporary Contexts* / (London : Hurst & Co., 2013). pp81-85.

<sup>427</sup> İzmirli Hakkı in Şeyhun, *Islamist Thinkers in the Late Ottoman Empire and Early Turkish Republic*. p90.

<sup>428</sup> Küçük Hamdi, BH, *İslâmiyet ve hilafet ve meşihat-ı İslâmiye* , March 1, 1909.

<sup>429</sup> Ibid.

the possible implications to the authority of the seat and their own standing in Ottoman society. The general trend among many Muslim reformers in the nineteenth century was to regard Islam and modernity as adaptable so long as the efforts were in conformity with Ottoman practices and tradition. However, within conservative circles this was at times perceived as a compromise to the ideals of ‘Christian’ Europe, which would consequently – according to the conservatives themselves – lead to detachment from Islam. But while the conservative elements were resistant to ‘Modernity and reformation’, nevertheless, even they came to terms with the Islamic merits of constitutional governance to some degree. Their concern was with the nature of the Caliphate itself, and the implications for the conservative spaces in the *devlet*, which had received much assistance during the Hamidian period.<sup>430</sup> This was a nervous time for people of a conservative supporters of the Sultan as the Unionist purge of the Sultan’s *mabeyn* meant that many conservatives either religious or political lost their posts, were arrested or sent into internal exile. Furthermore, earlier oppositional ulema activity during the Hamidian reign would now enjoy the position of legitimacy, as many ulema of the new generation found spaces in the new possibilities that the *Meşrutiyet* ushered; the tide was changing and so was the *devlet*.<sup>431</sup>

### **Conservative Response – Constitutionalism or a Reformulation of the Old?**

It was probably in such an environment that Sufi Sheikh Ömer Ziyâeddin Dağıştânî, a senior *âlim* residing in Edirne arrived in Istanbul in haste to examine the climate in the imperial centre and appeal to the Muslim population at large regarding his ‘Sultanic-centered constitutional’ interpretation of the Caliphate and constitutional rule. The conservatives became curious and concerned with the change in environment as ulema and laymen alike made their way to the imperial centre to hear and voice their opinions and demands. Added to that, the abolishment of the spy network and freeing of political opposition from the prisons meant that Istanbul

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<sup>430</sup> I must stress that I do not believe that the conservatives were concerned with the loss of power simply based on their own interests, but due to a genuine fear that their conception and practice of Islam and state was under threat.

<sup>431</sup> Bein, *Ottoman Ulema, Turkish Republic*. Bein explains that due to the changing conditions new middle ranked ulema were able to use the new conditions to further their positions in the state apparatus. p73.

transformed into a vibrant hub for diverse intellectual activity as well as much protest and unrest never witnessed before.

As soon as Dağıstânî arrived to Istanbul he promptly published two pamphlets in quick succession. The first was titled *Hadis-i Erbain fi Hukukî's-Selatin* (Forty hadith on the rule of the Sultan), in which Dağıstânî stressed the importance of the Caliphate and the House of Osman as heirs to the Caliphate. He also emphasised the sacredness of the Caliph as the leader of all Muslims, both in the Ottoman domains and outside, as had been attested in the constitution of 1876/1293. The second publication was his *Mirat Kanun-i Esasi* (Reflections of the Constitution). Both works were published in 1908/1326 and were probably a conservative response to the changing conditions in the capital.<sup>432</sup> The *Mirat Kanun-i Esasi* was serialised in the conservative journal the *Volkan*. Dağıstânî and the *Volkan* press indicated that there was still a large constituent that maintained the conception that the Sultanate, in particular Abdülhamid II, was the absolute ruler of the Ottoman *devlet*. The ulema of Dağıstânî's ideological inclinations had professed their support for a constitutional government but their understanding of constitutionalism reflected the conservative document of 1876/1293. It is ironic that conservatism was against the constitution of 1876/1293, even though much of the document catered for their demands, as those who opposed the constitution of 1876/1293 now supported its strict interpretation. However, supporters of constitutionalism had evolved and now demanded the 1876/1293 document be changed. Constitutionalism was hence no longer a heavily scrutinised ideal, as constitutionalism as an idea and practice circulated widely within ulema circles by the time the revolution was executed. The question now was which constitution as supporters of the Sultan pointed to the constitution of 1876/1293 while supporters of a new constitutional order demanded amendments.

Dağıstânî's rapid publication of the two pamphlets with the first on the loyalty towards the Sultan and nature of the Caliphate from his scholarly endeavour, and the second on the Ottoman Constitution in line with Islamic precepts, indicates that these two works were part of a larger connected discourse in which Dağıstânî was constructing a conservative view of the constitutional Caliphate system. In *Hadis-i Erbain* Dağıstânî attempted to consolidate the Sultan's traditional position as the stoic

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<sup>432</sup> I would like to thank Zeynep Erçetin for her opinions, advice and ideas on the discussion on Dağıstânî. She translated and provided much information on Dağıstânî for me. Much of the points are from discussions with her. She has recently published her work on Dağıstânî in Zeynep Erçetin, *Ulema and Politics: The Life and Political Works of Ömer Ziyâeddin Dağıstânî (1849-1921)* (İstanbul: Libra, 2015).

Caliph along the precepts of the constitution of 1876/1293. Dağıştânî, a known *muhadith*, emphasised on hadith literature to make most of his claims. He pointed to the constitution in his work by suggesting that article four, five and seven, made the point that the Sultan was Caliph of all Muslims, a position taken from the treaty of Küçük Kaynarca. In the fourth article the Caliph was referred to as the ‘protector of the religion of Islam’ whereas article seven exclaimed that everyone is obliged to obey the rights of the Sultan by law(Kanun), in the same way they were obliged to obey the rights of the Sultan with regards to the Sharia.<sup>433</sup> He continued by mentioning a hadith of the Prophet that anyone who would see the Caliph would naturally love him, and he stressed on the Caliph as Allah’s shadow on earth (*Zillullah fil-arz*).<sup>434</sup> Traditional conceptions of the Caliphate endorsed the Caliph either as the Shadow of God or of the Prophet, endorsing their special status. Whether of God or the Prophet, the position was still pointing to some form of veneration. Dağıştânî’s constant insistence on obeying the Sultan and criticism of those who disobey him being worthy of punishment in the next life and disgrace in this was problematic. The revolution was indeed disobedience towards the Sultan, and even though Dağıştânî was using an old tradition of stressing on loyalty, he was also tacitly criticising the revolutionaries’ actions. Dağıştânî followed these evidences with a famous hadith most often used regarding obeying authority. It says “Whoever obeys me (The Prophet) obeys Allah, and whoever disobeys me, disobeys Allah, and whoever obeys the ruler I appoint, obeys me, and whoever disobeys him, disobeys me”.<sup>435</sup> It was clear that Dağıştânî was implying that disobeying the Sultan was tantamount to disobeying both Allah and the Prophet. Dağıştânî had made a bold claim, in an environment where religious opinion was shifting towards consultation, and no doubt would rile the ulema who had supported the revolution. The ulema were centrally involved with the revolutionaries in many stages; what was clear is that the supporters of the Sultan were willing to accept the status quo and only responded with a rapid reaction to the changing circumstances.

Dağıştânî had started the *Hadis-i Erbaîn* by praising the CUP but in his content he was clearly undermining their position.<sup>436</sup> It was hadith seventeen suggesting that if one sees a Muslim ruler doing something he disapproves of, he

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<sup>433</sup> Dağıştânî, *Hadis-i Erbaîn Fi Hukukî's-Selatin*.

<sup>434</sup> Ibid.

<sup>435</sup> Ibid.

<sup>436</sup> Ibid.

should be patient, for whoever becomes separate from the *ummah* even from a hand span and then dies, dies a death of *jahiliyyah*.<sup>437</sup> The position that Dağıştânî was holding was the common position of obeying Allah, the Prophet and those in leadership from amongst the Muslim community. This well-established ideal pointed to the idea that the Caliph was the absolute authority and that he should be listened to, and rather than attempting to abdicate or critique him, one should practice patience and give advice. Dağıştânî's ideas resonated with those of Yusuf al-Nabahani, when Nabahani had criticised those who were in opposition to the Sultan in 1895/1312.<sup>438</sup> With the serialisation of his work on the constitution in the *Volkan* and then with him being rewarded by the Sultan with gold coins for his works<sup>439</sup>, Dağıştânî did not find himself in good position with those in opposition to the Sultan.

It is not clear if Dağıştânî was in fact aware of the precarious position of the Sultan but his opinions seem to attempt to address those that wanted to question the sacredness of the Sultan's authority. There was a clear agitation from the Young Turks as they gradually started to realise that the constitution of 1876/1293 was a rather politically conservative document. With the Sultan claiming that it was he who granted the constitution, it generated fear that the Sultan could once again suspend the constitution or at least abrogate it if he deemed to do so.<sup>440</sup> The *Tanin* newspaper had argued that the fifth clause in the constitution to be problematic as it had stated that the Sultan was sacred (*mukaddes*) and without responsibility (*gayr-I mesul*) thus making the Sultan unaccountable and allotting him status above the law.<sup>441</sup> Dağıştânî's concerns when writing about his support of the Caliphate centred on the nature of what the authority of the Caliph would become. However, if Dağıştânî was to assume that he would be supported by the ulema, he would soon realise that opinions were diverse within the ulema. In an article written in 1908/1326 in the *Beyan 'ül-Hak*, Hamdi Yazır stated:

On the one hand, the Caliph holds the title of representative of the community, expressing allegiance to him, but on the other hand, he, like his subjects, is charged with and is obliged to follow the law, since he acts as regent and executor for the legislators. He never can, by despotic judgment, suspend law. If

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<sup>437</sup> Ibid.

<sup>438</sup> Ghazal, "Sufism, Ijthād and Modernity, Yūsuf Al-Nabahāī in the Age of Abd Al-Hamīd II.", p244-245.

<sup>439</sup> BOA, Y.EE 71/88 (1), March 27, 1909.

<sup>440</sup> In the *Muaddal Kânûn-ı Esâsî ve İntihab-ı Mebûsân Kânûnu* it was stressed that the constitution was not granted by the Sultan but in fact due to the peoples will.

<sup>441</sup> Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*.p138.

he does, he will face deposition based on the will of the people. Therefore the Islamic Caliphate is no more than the executive arm of canonical law; it has no resemblance to spiritual leadership.<sup>442</sup>

Sheikh Mûsa Kâzım Efendi would also later complain how during the Hamidian period the Caliph was elevated to the rank of deity.<sup>443</sup> Ahmed Midhat would suggest that some bigots found it problematic that when Mûsa Kâzım used to teach that he questioned the idea of absolute obedience in his lessons. As a result according to Ahmet Midhat, Mûsa Kâzım was accused of teaching *kufîr* (disbelief) and spy reports were written against him to disrupt him.<sup>444</sup> But what would have been further damning for Dağıstânî were the views of Said Nursi, a fellow writer in the journal *Volkan*. Nursi's positions on *İstibdat* were evidently related to the Hamidian period. While Dağıstânî was stressing on the absoluteness of the Caliph as the protector and unquestionable Imam of the Muslims, he had clearly missed both the prevalent mood and the Sultan's ability to wield his authority. The dominant factions had shifted to implement a constitutional monarchy with a representative system. Dağıstânî's proposals, although endorsing constitutionalism, reflected an authoritarian constitutional system or at least placed much of the authority in the hands of the Sultan, a position which the constitutionalists had fought tirelessly to weaken. Authoritarianism had become maligned and with Dağıstânî simply presenting a transition from an authoritarian political order to an authoritarian constitutional political order, meant that many of the ulema who supported the Hamidian state with increased powers would soon come under intense scrutiny.

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<sup>442</sup> Kara, "Turban and Fez: Ulema as Opposition."p186.

<sup>443</sup> Mûsa Kâzım in particular was in for a more visceral attack in Istanbul during the earlier phases of the revolution. Mûsa Kâzım has often been accused of being a CUP member however he himself has never made that clear. Kevin Reinheart also asks the question of this, as during the trials in Malta, Mûsa Kâzım denied these claims. However, for Amit Bein, Mûsa Kâzım probably was a member of the CUP. Ziyâeddin Dağıstânî had petitioned to Sultan Abdulhamit II that he be allowed to replace Mûsa Kâzım in the Meclis-i Ayan, a strange claim by a Naqshabandi Sheikh especially as they tended to follow a strict interpretation of attaining office based on the Prophetic tradition "By Allah, We do not appoint to such work anyone who asks for it, nor anyone who covets it" Bukhari and Muslim from the authority of Ibn Abbas. (Place Ottoman archival source) Also the Kôr Ali agitations point to an attack on Mûsa Kâzım. In the British press once again it was said "A large number of hodjas, incited by reactionaries, or themselves in sympathy with reaction complained to the Committee; and an heterodox article did not immediately cease to appear, they called on the *Şeyhülislâm* to issue a *fetva*(decree) declaring the hodja Musa Kiazim Bey, the strongest advocate of these changes, was worthy of death on account of impiety. The *Şeyhülislâm* referred them to the Fetva-emini, who announced his intention of resigning rather than issuing such a decree. The CUP managed to reconcile most but some hodjas refused to be reconciled. They attacked the *Şeyhülislâm*. The government pulled down placards, seized broadsheets and warned of criminal charges of libel and incitement." Times, September 23, 1908.

<sup>444</sup> Kara, *İslâmcıların Siyasî Gоруşleri*.pp30-31



On closer inspection, the Sultan had indeed practiced a mode of governance he and his advisors thought natural for the time. But as Nader Sohrabi has shown, the world, and in particular the transnational Muslim worldview was changing. In that sense, what is more telling of the Muslim worldview at the time is the Shite *ālim* Muhammad Husayn Na'ini's view, who resided in Ottoman Iraq and had a viewpoint on both the Ottoman and Iranian revolutions and constitutional efforts. He stressed:

With Allah's benevolent support, the retrogressive trajectory of the Islamic world has been halted and slavery under the imperious passions of dictatorial rulers has been terminated. [He meant both the Iranian revolutionaries in 1906/1324 and the Young Turks in 1908/1326]. He further continues that 'the Muslim community has, thanks to the superb guidance and reasoning of its ulema, become aware of the true requirements of its religion and its God-given freedoms. He finally said 'the momentous edicts of the of the Ja'fari religion [Shi'I Islam] in the city of Najaf and the subsequent edicts of the elders (ulema) of Istanbul who unanimously declared the struggle for these holy and legitimate goals [constitutionalism] as a necessity of religion, exonerated Islam from acquiescing to such tyrannical and irrational rules. These were clear historical documents concerning the position of the Islamic leadership on the issue, thus silencing critical tongues.<sup>445</sup>

For Na'ini the ulema (both Sunni and Shiite in the respective areas) in both the Iranian Revolution and Ottoman were integral in guiding the revolutionaries at the time. He stressed that the objective were in fact holy on which there was enough evidence in Islamic history to prove this. It is worth noting that many works regarding constitutional discourse did indeed reflect a similarity when examining works of both Sunni and Shiite ulema of what is now Iran and Iraq. In this sense, although out of the scope of this dissertation is it worth examining how these ideas impacted upon one another transregionally, and there is no doubt that the region of Iraq and Iran has yet to be explored in regards to its intellectual impact on the imperial centre.

### **The Quran Points to Consultation - "*Wa Shawirihum fi al Amr*"**

Consultative governance became the mode of direction the Ottoman *devlet* would take after the Revolution of 1908/1326. Although throughout the Second Constitutional Period much debate would surround the temporal nature of the Caliph himself, nonetheless, a bifurcated parliamentary structure, with the *Meclis-i Ayan* (House of Senate) elected mainly by the Sultan and the *Meclis-i Mebusan* (House of

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<sup>445</sup> Na'ini, "Government in the Islamic Perspective." p117.

Representatives) elected by the public would attempt to curtail absolute authority in any single office, be it Sublime Porte or Palace. In the nineteenth century and early twentieth century, much contestation of power had taken place between the Porte and the Palace, and the new constitutional government with a parliament would see to address this power struggle by distributing the decision-making authority of the executive order.

The Young Ottomans have been credited with rationalising a parliamentary political system stressing on the ideal of consultation. During the nineteenth century Namik Kemal pointed to the Quranic injunction in his article “*Wa Shawirhum fi al Amr*” in which he declared that only a constitutional regime would restore the strength and prestige of the Ottoman *devlet*.<sup>446</sup> While the Young Ottomans deserve much recognition for their journalistic activism, in reality the Young Ottomans’ conceptions were part of a general discourse towards accountability and modern consultative structures within the Muslim world. Kazasker Seyfeddin Efendi had also pointed to the same Quranic references during the actualisation of the constitution in 1876/1293. During the debates this verse became integral for endorsing parliamentarianism. This Quranic injunction was the central ideal in curtailing the Caliph’s authority in favour of a parliamentary system.

In 1908/1326 there was an intensification of articles and proof pamphlets written by the ulema aimed at explaining to the masses how the basis of parliamentarianism emanated from the Quran. Mufti Berzencizâde Ahmed Faiz from Edirne argued in an article related to consultative governance titled *El-Hablü’l-Metîn Fî Tatbîki’l-Kânûn-ı Esâsî Maa’s-Şer’i’l-Mübîn* about the importance of consultation by indicating the Quranic verse [Al- Imran, 3/159] that Allah commands the Prophet Muhammed to consult with his *ashab* (Companions) as issues such as warfare and worldly matters were not directed by the revelations from the Quran. Moreover, he mentioned that if one consults, one would be able to take advantage of their knowledge and experience. He then cites a hadith of the Prophet Muhammed which says: “Someone who consults will not lose (*zarar etmez*)...As it is evident in the Quran and hadith, consultation is legitimate.”<sup>447</sup>

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<sup>446</sup> Namik Kemal, “*Wa Shawirhum Fi Al Amr*,” *Makalaf-I Siyasiye ve Edibiye*, no. Istanbul Selanik Matbaasi (1327). pp176-186.

<sup>447</sup> Berzencizâde Ahmed Faiz, *El-Hablü’l-Metîn Fî Tatbîki’l-Kânûn-ı Esâsî Maa’s-Şer’i’l-Mübîn (Kanun ve Şeriat: Berzencizâde Ahmed Faiz Efendi’nin Kânun-ı Esasi Şerhi)* (Edirne: Edirne Vilayet Matbaası, 1908/1326).

*Ālim* Hüseyin Hazim a member of the *Cemiyet* explained in *Beyan'ül-Hak* how the consultative government was better suited to the *devlet* than the previous regime. According to Hazim good governance that included consultation was not simply rationally sound but would also bring greater reward in the next life for those in authority. Whereas, although decisions without consultation are not sinful, one would attain no reward [sevap] for making a decision without it.<sup>448</sup> “Those who have reason without applying *Meşveret*, is deemed unacceptable for this person to make a decision. This is because Allah says “*Wa Shawirhum fi al Amr*”.”<sup>449</sup>

Hazim continued that although the Prophet had no obligation to consult due to the fact that he was a Prophet, nonetheless he always did. While not stressing on the Quran, the Prophet’s exemplary character and as a qualified leader of state consolidated and supported what the verse had indicated. It was not simply that consultation provided good governance; Hazim continued that it also removed the right to be accused of being biased, as the consensus of people of different factions would be required. He continued by pointing to the idea that consultation would also minimise mistakes. He then provided the opinions of the Second Rightly Guided Caliph Omar who stressed:

1. Discuss/compare opinions for establishing soundness
2. Ask the masters of consultation and their opinion.<sup>450</sup>

Hazim argued that if one thinks that his opinion is correct but fails to apply consultation, then he would be rewarded less, in the eyes of Allah. If one is enforcing one’s opinion even if it is true, but without consultation, the act becomes purely a material act thus attaining no reward. Hazim stressed that the pious Umayyad Caliph Omer ibn Abdulaziz said that if one applies *meşveret* (consultation) and *münazara* (debate/discussion/dispute) it will not harm the objective of one’s opinion as to have

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<sup>448</sup> This is based on the *ijtihadi* principle that on matters to do with theology if there is a difference of opinion, both matters are correct if deduced from the Islamic texts, simply that one action shall receive one reward and the other action will receive two. The complexity with the question surrounding the idea of consultation is that whereas in the jurisprudential tradition the believer and scholar does not lay claim to which action will reason one reward and which will receive two, Hüseyin Hazim states that consultation will receive reward and the absence will receive non. It is also clear that the argument by the ulema is that consultative governance is a more effective form of governance and ideal type.

<sup>449</sup> Hüseyin Hazım, “*Meşveret*,” BH, 1908/1326

<sup>450</sup> Ibid.

council is to have *hidayet* (to be divinely guidance).<sup>451</sup> While Hazim took acting alone in decision making simply as a material act, Said Nursi had insisted that this was in fact arbitrary.<sup>452</sup>

Finally Hüseyin Hazim chose a different consideration by pointing to the great empires of the past, the Greeks and the Persians who accepted consultation as a principle of governance.<sup>453</sup> By doing so Hazim placed consultation as a core principle of the nature of human beings, one that applied natural law, a common theme at the time regarding political theory in ulema thought, which placed Islamic civilisations of the past in a line of other great political civilisations. Hazim continued, because every master of opinion provides an explanation of an issue, whether he [one in authority] supports an idea or disagrees with the opinion, he could nonetheless examine every single detail, open for exhibition. He points that the Fourth Rightly Guided Caliph Ali said that consultation should be applied as via this the truth would be clearer.<sup>454</sup> Hüseyin Hazim concluded that “Those who have reason but do not apply consultation, then this decision is not acceptable to make .....If one thinks his opinion is correct but doesn’t accept consultation, he will have less reward”. The four basic principles of the consultation require: reason [*aql*], *deen* [religion] and *taqwa* [God consciousness], proof, and the freedom to voice opinion without any fear or duress.<sup>455</sup>

Islamic history had pointed to two systems of governance, one authoritarian and the other consultative. Hüseyin Hazim writing for the *Beyan’ül-Hak*, and a senior Mufti from Edirne Berencizâde Ahmed Faiz expressed that the constitutional government was the most desirable<sup>456</sup>, but while they had provided choice, Mûsa Kâzım would later hold a more radical position. According to Mûsa Kâzım in Surah al-Imran [3/159] Allah indeed points to the idea of consultation. In the first verse however Allah ‘commands’ His messenger to consult with the *ummah*. Unlike the other scholars who said that Allah had given the Prophet(SAW) choice, Mûsa Kâzım points to this being a divine commandment of which the opposite would imply its

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<sup>451</sup> Hüseyin Hazım, “Meşveret,” BH, 1908/1326

<sup>452</sup> Vahide, *Islam in Modern Turkey*.p85.

<sup>453</sup> Hüseyin Hazım, “Meşveret,” BH, 1908/1326.

<sup>454</sup> Ibid.

<sup>455</sup> Ibid. *Din* and *Taqwa* were together.

<sup>456</sup> Berencizâde Ahmed, *El-Hablü'l-Metîn Fî Tatbîki ' l-Kânûn-ı Esâsî Maa's-Şer'i l-Mübîn (Kanun ve Şeriat: Berzencizâde Ahmed Faiz Efendi'nin Kânun-I Esasi Şerhi)* (Edirne: Edirne Vilayet Matbaası, 1908/1326). I would like to thank Abdullah Taha Imamoğlu for making me aware of this. He has published a Turkish version of this.

prohibition. This non-constitutional act with the community would therefore constitute a violation of a Quranic precept. Mûsa Kâzım continues that the second verse clearly states that Muslims have an obligation to consult one another on important issues. The next verses are regarding justice and equity which follow the concept of consultation. He then stressed that the Prophet always consulted before making important decisions on public matters. The suggestion that the Prophet's method of consultation was similar to a parliamentary system requires some discussion.<sup>457</sup>

The concepts of *Şura* were not simply restricted to the ulema in Istanbul. The work of Abdullah al-Alami, an *ālim* from Gazza, was probably the most comprehensive when it came to explaining the consultative nature of the parliament. Written in Arabic, in 1908/1326, his work was in response to some of the more conservative critiques of the new political changes that were taking place in the Ottoman world. Alami's substantial work requires some thorough treatment here, as much of the Arab and Ottoman historiography has neglected Alami's contribution to the discourse, instead paying more attention to the journalistic activities of the al-Manarist press.<sup>458</sup> And yet, Alami displays himself to be a fine scholar who made a notable contribution through this pamphlet, even though he may have shunned visibility, like many others like him. Alami decided to write his work by stating in his own words "I have witnessed a lot of people asking about the consultative Mab'uthān Council; whether it is legal or not".<sup>459</sup> He continues by saying "And I found in a speech given by some eloquent folks that Islam was 'created' along with absolute

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<sup>457</sup> Kâzım, "Hürriyet - Mûsâvât.". See also Şeyhun, *Islamist Thinkers in the Late Ottoman Empire and Early Turkish Republic*. pp29-31. While Mûsa Kâzım gave no detailed reasoning on his position, the Islamic political theorist Muhammad Asad (1900-1992/1317-1399) would later stress a similar point in his work 'The Principles of State and Government in Islam' by saying that consultation was a necessity not a choice where he used the ayat in the Quran *Amruhum fi baynahum* translated as "Their [the Believers'] communal business [Amr] is to be [Transacted in] consultation among themselves. According to Muhammad Asad "this *nass* injunction was regarded as the fundamental operative clause of all Islamic thought related to statecraft". For Asad the meaning of this was so comprehensive that it reached out onto almost every department of political life, as he argued that the word '*amr*' referred to all affairs of communal life. If one was to examine the meaning of the verse in this manner, the argument in favour for consultation would make all transactions related to politics dependent on some form of requirement to consult. He continued that the verse '*Amruhum fi baynahum*' makes the transaction of all political business not only consequent upon, but synonymous, with consultation. In Asad, *The Principles of State and Government in Islam*.

<sup>458</sup> It is worth noting as Butrus Abu Manneh has pointed to that although Alami's work and networks reflected those similar to the Salafis or al-Manarists, nonetheless it is worth of note that his work was not serialized in the al-Manar. See in Abu-Manneh, "Arab-Ottomanists' Reactions to the Young Turk Revolution." pp157-158.

<sup>459</sup> Al-Alami, *Azam Tidhkar Lil-Uthmaniyyin Al Ahrar Aw Al Hurriyya Wal-Musawa Wal Mabuthan Min Ta'alim Al-Quran*. p2.

authority, may Allah safeguard it against this abjectness. This is why, I am compelled to pen a letter explaining to the dignified readers that all kinds of freedom and the consultative Mab'uthān Council are legitimate according to the glorified Book's[Quran's] verses and that Islam was created along with authority restricted by the glorified Book which is a divine law and obligatory consultation.”<sup>460</sup>His work cited twelve verses in the Quran that pointed to the merits of the consultative nature of governance. He starts by saying:

In the Glorified Book, which is the first evidence, ( and those who answered their Creator's call, performed their prayers, take their decision according to a consultative process and spend what we've blessed upon them). Their decisions are taken according to a consultative process; they set up a meeting whereas each and everyone of them participates in a manner that helps the 'Ummah prosper and achieve success.

The book bestows four praises on them. The first one is faith. The second is performing prayers which is as important as the head to the body. The third one is consultation next to which Islam was sitting at its left and the sacred Quran at its right. And both its hands were right. Consultation was one of its eyes, whereas the Quran was the other. And the Islam was dependent on these two hands, and its light radiated from these two eyes. The fourth praise is about its expenditure on the 'Ummah in a way that remedies its instability, prevents its fall and rectify its perversion and puts it on an equal footing with the great nations, high-headed so that they can benefit the 'Ummah materially as well as morally through consultation. Consultation is thus the origin of all benefit, and the source of every good, material- and morality-wise.

Allah has praised the believers for that since they were convening for consultation, and has made it the third praise after the praises of faith and prayers and before the fourth praise for expenditure (the praise of expenditure on his children) as the master of speakers has said “people are the children of Allah.” And this goes for glorifying the importance of the consultative council among the wise from the ‘Ummah’..

Dear reader, contemplate the naming of the “Consultation” chapter in the book of Muslims because this, after the verse mentioned in it, is the greatest indicator of the seriousness of the matter and its importance for the lay people. Because He named it that to warn and remind people of how dignified it is to form that supreme council.”

And there is a message to the prophet (PBUH) in the holy Book that states“ With God's mercy your heart has softened for them and if you were rude, cold-hearted, God forbids, they all would go away. Then he clarified the things that if he had done, they wouldn't have gone away, and the things that if

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<sup>460</sup> Al-Alami, *Azam Tadhkar Lil-Uthmaniyyin Al Ahrar Aw Al Hurriyya Wal-Musawa Wal Mabuthan Min Ta'alim Al-Quran*.p2.

he hadn't done, they would have. Thus, he said "pardon them," regarding matters that have to do with you, "and forgive them," regarding matters that have to do with Allah, "and consult them," regarding matters that have to do with public policy of the Ummah. "When you will, put your trust in Allah." Thus, combining work with hope. "Allah loves those who put their trust in Him."<sup>461</sup>

The constitution and the parliament as a tool for *Şura* were becoming institutionalised as the ideals for an efficient Islamic government. The ulema had instilled the constitution as a necessity to protect the *ummah* from government. Throughout the late Hamidian period oppositional ulema cited governmental and administrative abuses for the reasons behind the need for a constitution. Ulema supporters of the constitution would continue this line of argumentation. The parliament was cited as an arena where the *ummah's* interests and grievances could be heard by those in authority through the representatives of the *ummah* in the guise as parliamentarians. In this sense, the concept of the Caliphate as a religiously derived political concept was being superseded by the constitution (*Meşveret*) and parliament (*Şura*) from the perspective of a second religiously derived political concept in Islamic thought and from the inception of Islam. But more importantly, with an increasing awareness of the concept of public opinion, thinkers and ulema were gradually stressing the point that the main function of the Caliphate was to safeguard the interests of the Shari'a and the *ummah*. The *ummah* and the law were presented as the pillars of Islamic politics and the Caliphate came secondary to these. The ulema and the law would now be used as concepts to curtail governmental authoritarianism.

### **Authority to the *Ummah* or Mebusan?**

Abdullah al-Alami stressed that the Quran proves that authority in Islam "is bound by the Sharia and *Şura*" and that even the Prophet Muhammad was required to resort to consultation as the Quran commanded '*wa-shawirham fil-amr*'. Alami stressed how the Parliament was indeed consultation and that the Mebusan (representatives) of the assembly were not only a necessity but that their legitimacy came from the Quran and did not contradict the Sharia. Alami on this verse explains:

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<sup>461</sup> Al-Alami, *Azam Tidhkar Lil-Uthmaniyyin Al Ahrar Aw Al Hurriyya Wal-Musawa Wal Mabuthan Min Ta'alim Al-Quran*.p2.

Dear reader, please contemplate this verse which we—Muslims— think that it's Allah's words whom we believe there is no god but Him. And that it's the best word, sent down with the angels to the best Prophet in the best era in the best milieu. It orders him to consult, study and exchange ideas with the Ummah and its wise elders. And it didn't allow him to take any decision until doing this deed. That's why, after he was ordered to consult with the people, He said "when you will, put your trust in Allah." If you did what I have commanded you to do by seeking advice from others, with that leading to fearlessness or reluctance and silence, then your confidence to succeed should be put in us because he is the angel of happiness and success.<sup>462</sup>

Like Alami, Mûsa Kâzım also pointed to the importance of the *ummah* and consultation. He had made the needs of the *ummah* central to his argument of political discourse. For him the governmental structure was a service to the *ummah*. Mûsa Kâzım mentioned that two main commandments regarding worldly matters are that we should be 'just' and 'equitable' when dealing with other people and consult with the members of the *ummah* and ask their advice on every important issue.<sup>463</sup> Mûsa Kâzım stressed on three main points regarding the new constitutional order. These where:

1. Consulting the *ummah* in every matter –national will
2. Respecting 'justice' and 'equity' in every matter
3. Entrusting the affairs of the state and interests of the *ummah*, which is a divine charge, to a qualified person.<sup>464</sup>

From point one and three we can see that Mûsa Kâzım was applying an alternate reading of political authority by suggesting that the emphasis of authority should be in the hands of the *ummah* and that competency was a requirement for the leader of the state. The idea of being a qualified person indeed is vague, and as with any ideas regarding political authority, can be open to interpretation. But what mustn't be ignored here is how competency was being discussed in the late Ottoman ulema circles. This idea of qualification was demanded in all administrative positions and the ulema would later make the charge that their positions as guardians of the faith

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<sup>462</sup> Al-Alami, *Azam Tadhkar*.p8.

<sup>463</sup> Mûsa Kâzım in Şeyhun, *Islamist Thinkers in the Late Ottoman Empire and Early Turkish Republic*.

<sup>464</sup> For the original see Mûsâ Kâzım, *İslamda Usul-i Meşveret ve Hürriyet*, 1908/1326. For English see Mûsâ Kâzım and Charles Kurzman, "The Principles of Consultation and Liberty in Islam and Reform.," in *Modernist Islam, 1840-1940 a Sourcebook* (Oxford ; New York : Oxford University Press, 2002).



depended on their qualification as experts in matters to do with religion and legality.<sup>465</sup>

The point of consulting the *ummah* is of great significance here. The questions of how the *ummah* were to be consulted and whom from the *ummah* should be consulted, leave this matter open to much debate and theorisation. It seems clear that what Mûsa Kâzım was alluding to was the matter of consultation and representation. It is also noteworthy why the matter of including the *ummah* facilitated the possibility of restricting the absolute authority of the Caliph. The theory of absolutism required total obedience, as those in leadership were perceived as the competent in the decision-making process. However this ideal suggested that the *ummah* did not have the capacity to make decisions, and nor did they have the ability to hold leadership to account. Ali Hayder Amin mentioned in the *Beyan'ül-Hak* that the constitutional order needs to abide by four principles. Those were the Kitāb(Quran), Sunna, Icmā-i Ummet (Consensus of the Community) and Aql (Reason), while reason also needed to be practiced freely so that one could provide advice and opinion.<sup>466</sup>

The ideas of Dağıstânî and the *Volkan* press stressed that the importance of obedience to the Caliph and the structure of hierarchy was far more important than inclusion. This would later lead to qualifications of the ideal of the revolutionary slogan 'freedom' within the Islamic context. What Mûsa Kâzım however was pointing to was to stress that the Caliph was no more than an executive, who of course had a divine charge, but whose role was not to trespass that of guardian of the Muslim masses, thus, any decision regarding the interest of the community required them [the *ummah*] to be consulted.<sup>467</sup> In this period it was done either by the journalists or the parliamentarians. Said Nursi would later explain:

The new regime is established on certain foundations. There is strength in numbers. Might and power were used to rule the world, but now it is science and ilm. People can govern themselves as education has increased. The Sultan carried this burden but now the people rule through the Meclis-i Mebusan which has become the heart of the nation.<sup>468</sup>

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<sup>465</sup> Kâzım, *İslamda Usul-I Meşveret ve Hürriyet*.

<sup>466</sup> Emin, "Delâ'il-I Meşveret."

<sup>467</sup> Kâzım, *İslamda Usul-I Meşveret ve Hürriyet*.

<sup>468</sup> Said Nursi in Şeyhun, *Islamist Thinkers in the Late Ottoman Empire and Early Turkish Republic*.pp56-57.

An objective of the Caliphate was to provide safety, security to all subjects/citizens under its domain, which would later become theorised as the protection of *din*, intellect, property, lineage and honour. As the Caliph was a Muslim and his governorship was based on the implementation of the Sharia within the legal structure, it was also natural to assume that the unique bond between a Muslim ruler and Muslim subject placed certain expectations upon the latter. If the Caliph was the nominal sovereign, the point Mûsa Kâzım was alluding to was that ‘authority’ belonged to the *ummah* on the basis that it was they who volunteered to accept the contract of leadership of the *bayah* by legitimating the one holding the office. While not every person can elect the Caliph, Mûsa Kâzım was suggesting that the *ummah*’s ‘authority’ was being transferred to the elective representatives - the parliament.<sup>469</sup> In theory, authority belonged to the *ummah* and would traditionally be transferred to the Caliph. Now, the parliament became the intermediary between the *ummah* and the Caliph, whereby the elected representatives would be vested with the *ummah*’s authority instead. Consulting the *ummah* in every matter then points to parliamentarianism. The collective of the *ummah* in the guise of the representatives was more important than the sole authority of the Caliph. To assume that the authoritarian system did not believe in this would also be misleading, but whereas the authoritarian style of governance heavily placed the issue of trust and competency in the hands of the Sultan as Caliph, the system of consultation attempted to provide more of an ascendancy – at least in theory- to the masses, and their representatives, thus suggesting that decision-making processes should be in the hands of the collective rather than the individual. What was not taken into account was the possibility of party politics, where a single party like the CUP would later use the parliamentary system to dominate decision-making processes. Such importance was placed on the role of the parliamentarian as the one who shouldered the burden of the masses and shared this burden with his fellow parliamentarians and Caliph. It was once again Alami who provided the most detailed explanation:

And it has also been mentioned in the Glorified Book that “the believers who believed Allah’s and his Prophet’s message and agreed with him on a unifying matter” for people for the sake of consultation “did not leave” the consultative community “till they took his permission. Those who take your permission are those who believe in God and his prophet. Thus, if they asked your permission

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<sup>469</sup> Kâzım, *İslamda Usul-I Meşveret ve Hürriyet*.

regarding some of their issues, give it to those you want and forgive them. Allah is forgiving and merciful. Do not make the prophet's supplication like that of some of you.”<sup>470</sup>

The unifying matter is the one for which people assemble to consult each other regarding serious issues and highly important matters. If they took turns to discuss an important issue on a bleak day, then that is a day people assemble for. And it's a well-attended day.

1. We learn from the verse that the monarch has to have a circle of sagacious people from among the Ummah's wisest to explicate to him their opinions, knowledge and experiences.
2. We learn from the verse that the Prophet (PBUH) was intentionally calling on people to consult with them, and they were aware of the necessity of doing that.
3. We learn from the verse that whenever the Sultan invites people of knowledge and the Ummah's elders to the Mab'uthān Council they should answer his call.
4. We learn from the verse that whenever statesmen and philosophers convened at a place overseen by the Sultan to look into the matters of the Ummah, it is not permissible for any of them to leave the convention and abandon their responsibility unless they submit a request for leave to the monarch along with an acceptable excuse.
5. We learn from this verse that whoever gives an excuse and sets out to leave the consultative council, even if their excuse is accepted as the wise book commends “forgive them,” offends the council by leaving it as he doesn't show respect for his presence in the council.<sup>471</sup>

So serious was the charge of parliament that it was presented as a religious duty, one which was not to be taken lightly and one that could not be abandoned because the greater good of the affairs of the state, *ummah* and religion were more important than individual considerations. İzmirli İsmail Hakkı would later point to the Quran when explaining about the divine charge of the parliamentarians when he said “ [A]nd let there be from you a people inviting to all that is good, enjoining what is right and forbidding that which is wrong/evil” [Al-Imran 3/104].<sup>472</sup> This point was stressed also by Bereketzâde İsmail Hakkı in his article ‘The principles of consultation in Islam’.<sup>473</sup> Alami words are of worth as he provides detail to this point and would continue to add:

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<sup>470</sup> Al-Alami, *Azam Tidhkar* p9.

<sup>471</sup> Ibid, p10.

<sup>472</sup> İsmail Hakkı in Şeyhun, *Islamist Thinkers in the Late Ottoman Empire and Early Turkish Republic*. pp91-92.

<sup>473</sup> Bereketzâde İsmail Hakkı, “İslâm ve Usûl-i Meşveret.” *SM*, September 24, 1908/1326.

It is been mentioned in the glorified Book that (there should be a group of you who advocate goodness, command good service and prohibit the evil: those are the successful.)<sup>474</sup>

The glorified Book has clarified the function of the Ummah Council and its duties. It said “to advocate goodness,” This can be done, for instance, by remedying the state of the kingdom; bettering its policies by establishing vexilla of knights that can help these politics advance and flourish; establishing offices to transport the soldiers and the provisions; improving the state of Ottoman Bosnia and sending off fleets to visit foreign territories; inviting millions of foreigners to establish industrial enterprises; looking into the reasons that can help stabilize and ensure the security and welfare of Yemen and El-Hijaz; establishing financial national companies; improving the kingdom’s capital and its conditions.

While some ulema argued that this verse in the Quran about enjoining the good referred to the ulema, by 1908/1326 this verse was now being presented by most of the ulema reflecting the new parliamentary structure towards the elected representatives. It was argued that the ulema in 1876/1293 were split into two camps regarding constitutionalism, with the liberal followers of Midhat Pasha in favour and the conservatives against. Such simple dichotomies could not be made regarding ulema in 1908/1326, nor was it easy to substantiate that the ulema were in opposition to the constitution at all, as a general consensus was established in favour of constitutionalism and a parliamentary system. In 1908/1326 Mustafa Sabri Efendi had alluded to the idea that Ottoman constitutionalism was not an emulation of the West but that the West had learnt this from Islam.<sup>475</sup> By using the printing press the ulema argued that the *ummah* and Ottoman polity were now ready to initiate consultation in the semblance of a parliamentary constitutional Caliphate system.

In the *Sirâtülmüstakîm*, *âlim* Bereketzâde İsmail Hakkı Efendi would address an article in the *Tanin* explaining that the Ottoman *devlet* was unable to implement a constitutional system. Edurad Saharo, a director of the orientalist branch at Berlin University claimed that the diversity in the Ottoman world nearly rendered it impossible for the Ottomans to be able to implement a constitutional system. He also went further by claiming that this was a new concept for the Ottomans. Bereketzâde’s response was harsh in tone in which he first rejected the claims outright by saying that the Ottomans were indeed practicing constitutionalism and questioned how a man [Edurad Saharo] could understand the complexities of the Ottomans, in which he would need to understand the Sharia, rulings in Islam, Islamic morality and society.

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<sup>474</sup> Al-Alami, *Azam Tadhkar* p11.

<sup>475</sup> Mustafa Sabri Efendi, “Menhabelerimiz ve Ayıplarımız”, BH, June 21, 1909.

He stressed that “we know what *Meşveret* is and it is not new for us”.<sup>476</sup> *Âlim* Mardinîzâde Ebu’l Ulu felt that constitutionalism in the Ottoman context was so obvious that it wasn’t even worth discussing.<sup>477</sup>

In another account the senior *âlim* Zeynalâbidin Efendi argues in a rhetorical style that the *meşrutiyet* is the contract between the government and the nation (millet), in this contract the nation can hold the government to account where even the most powerless individual is able to do that and defend his own right. In this system, instead of giving the government anything it wants whether legitimate or not, (the individual) is able to object without any doubt or being powerless and helpless to the extent that they become a slave or captive, instead of this maybe the government officials will either be rewarded or punished depending on their performance, because they are nothing more than paid employees who have been hired by the nation.<sup>478</sup> The point of Zeynalâbidin is even the individual can hold authority to account is a worthy one as in some ways in an *devlet* where the concept of a modern citizen was being introduced and the right of the individual to uphold even the government and its officials to account was to once again empower the masses. Furthermore the Ottoman thinkers including the ulema were attempting in creating a space for a modern citizen regarding the right of the individual. But it is difficult to ascertain this claim, as with a teleological reading one could now argue that a secular discursive activity was taking place to separate the Ottoman Sultanate from the Caliphate by the ulema. On closer inspection the works present a more scholastic tone of informing the masses about the various forms of governmental choices. What is fair to suggest however is that the ulema to some degree had laid the foundations for such debates both at the time and for future Islamic revivalists regarding the nature of a modern Islamic-constitutional-Caliphate.

Zeynalâbidin would go on by providing the example of an Imam leading the congregation by saying the core of the *meşrutiyet* is defining the rights and duties of the government and the nation by establishing and balance between them. He continues the Imam is the leader of the prayer but the congregation needs to give consent. The Imam can also not transgress against the general rules of namaz/salat. If the Imam has a deficiency or makes a mistake then the congregation should not

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<sup>476</sup> Bereketzâde İsmail Hakkı, “İslâm ve Usûl-i Meşveret.” *SM*, September 24, 1908/1326.

<sup>477</sup> Mardinîzâde Ebu’l Ulu, “Sûre-ı Şûrâ,” *SM*, August 27, 1908/1326.

<sup>478</sup> Kara, *Islâmcıların Siyasî GörüŖleri*.p103

follow him. Thus, first the Padishah should obide by the law so that the nation should obide by the law of Islam and the Shariah.<sup>479</sup>

From their actions in the opposition to the Hamidian regime, involvement in the revolution and series of publications supporting the constitutional order, it was conclusive that by 1908/1326 the ulema had become instrumental in the safeguarding and consolidation of the constitutional ideal and regime during the Second Constitutional Period. One could even say they were more so than the Young Turks, as the ulema from their traditional scholarship and their continual support of the new order suggests that they were more constitutionalist than the Young Turks were. In 1909/1327 the ulema led by the *Cemiyet* would make the draft amendments of the constitution and present it to parliament, thus further indicating their involvement as theorists, political actors and practitioners of constitutional theory.

### **Hürriyet/Hurriya (Freedom)**

The expression of freedom was immediately felt in the activities of the Ottoman press. One of the first actions reflecting this new culture was the increased publication of the Ottoman Constitution in a variety of languages in the various ethno-linguistic newspapers. The explosion of printing activity during the earlier years of the Second Constitutional Period was nothing short of remarkable. Mustafa Sabri remarked, “Without the *inkılap* the freedom to express ideas was not possible and that if ideas cannot be freely expressed or discussed, how could one know of the truth?”<sup>480</sup> Mustafa Sabri had later complained again regarding the limitations of free speech during the Hamidian era prior to the revolution.<sup>481</sup> This type of sentiment was reflected in the ideas of Jamaluddin al-Qassami in Damascus, as David Commins explained in response to the restrictive environment of the Hamidian period.<sup>482</sup> We see this sentiment by some members of the ulema such as Omer Fezvi Efendi and Mehmed Fetin Efendi expressed in the *Beyan’ül-Hak*. Omer Fezvi wrote:

Because of our revolution the Muslims were happy; everyone shall now talk about their religion and worldly matters freely. The Muslim’s happiness will be from the religion (din) and the manner they

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<sup>479</sup> Kara, *Islâmcıların Siyasî Görüşleri*, p103

<sup>480</sup> Mustafa Sabri Efendi, “Beyan’ül-Hak’ın Mesleği,” BH, September 22, 1908/1326.

<sup>481</sup> Bein, *Ottoman Ulema, Turkish Republic*. p72

<sup>482</sup> Commins, *Islamic Reform*. p?

enact consultation (from Islam). The type of government will be religious and from the Kanun-I Esasi (constitution). The type of government is based on the religion of the state (Islam) and the rules will be based on the Sharia and nobody will continue their jobs without any rules. The rules will be religious rules that everybody will follow.<sup>483</sup>

Mehmed Fetin explains:

In the past there were some dark clouds [members of the old regime], as there were many problems, now we have relative justice. There are still people who want to apply this [despotism] but it is impossible as the people are already wearing the shirts of freedom.<sup>484</sup>

He continued: “The ulema will support the truth and in one hand will be the sword of the Sharia and in the other the truth”<sup>485</sup>

The ambiguity surrounding the concept of freedom was not simply a Muslim or ulema issue. Non-Muslim communities themselves were concerned regarding the need for qualification for freedom. During the *Tanzimat* period conservative Christians along with Muslims stressed that freedom equated to the right to vote, the right to protection, education, to practice one’s religion as well as the freedom of the press. But freedom could not equate to materialism or, more importantly, republicanism in the political sphere.<sup>486</sup> In 1908/1326 most articles in the Arab provinces asked questions such as “What is freedom?” “What is meant by freedom?,” and “How should we use freedom?”. Many in the Arab provinces cared less about freedom but rather asked for the application of justice, probably attributed to good local governance. Indeed, in some parts of the Ottoman provinces, not paying taxation was assumed to be freedom. The Ottoman case was not simply one of euphoria, recognising that freedom was a positive thing; many thinkers were also aware of the problems freedom could create.<sup>487</sup> There was also a concern of large gatherings of peoples, especially now that a host of organisations were being formed, some that had the potential to become a challenge to the CUP. The Ulema had stressed that freedom cannot be used in an individual manner. It’s thus worth

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<sup>483</sup> Ömer Fezvi, “Nidaye -Ehli-Islam,” BH, 1908/1326.

<sup>484</sup> Fetin, “Cemiyetimiz.” BH. September 22 1908/1326

<sup>485</sup> Ibid.

<sup>486</sup> Abu-Uksa, *Freedom in the Arab World Concepts and Ideologies in Arabic Thought in the Nineteenth Century*.p163.

<sup>487</sup> Der Matossian, *Shattered Dreams of Revolution*.p52.

stressing that freedom didn't suggest individualism. Freedom should be used so not to injure collective freedom (*hürriyet-i umumiye*). Thus, meetings could be held provided public order was not breached.<sup>488</sup> With this culture of caution in mind, the ulema attempted to explain the merits and possible concerns regarding the 'freedoms' that were available to mainstream society.

*Hürriyet* (freedom) did exist in the works of the ulema prior to the nineteenth century. But the term in the books of jurisprudence was largely in relation to the subject area regarding slavery. The new concept of freedom was subject to the will of the rule of law, morality, and customs of the group/community. On closer inspection the concept of freedom had continued to be viewed in the Ottoman Muslim world simply as having the right to voice one's opinion in the political sense.

During the nineteenth century, it was evident that the newly introduced slogan of freedom had become an attractive slogan to many, as publications by factions of opposing ideological positions used the term *hürriyet* as a motto, and attempted to domesticate the term.<sup>489</sup> It is with this in mind that one could assume that the ulema also attempted to address the concept of freedom by restricting it to their own traditional framework.

The politics of freedom provided the ulema opportunities to increase their views and opinions to a larger audience. One could argue that the interaction with non-ulema Muslim thinkers and Ottoman thinkers by and large created an environment in which the ulema themselves would be able to express more refined positions on a wide range of subject areas. Mûsa Kâzım Efendi was one such *âlim* who published two articles which are worth of note in 1908/1326. In the *Sırâtı müstakîm* he first published an article titled '*Hürriyet ve Müsavat*' (Freedom and Equality) and the second was a pamphlet titled '*İslam'da Usul-Meşveret ve Hürriyet*' (The principles of Consultation and Liberty in Islam). In both pieces Mûsa Kâzım attempted to address questions regarding the concept of freedom. In *Hürriyet ve Müsavat*, Mûsa Kâzım argued that although the concept of 'freedom' was not from Islam (meaning an Islamic ideological construct), however the way it was declared was acceptable, as it didn't go against Ottoman and Islamic norms and traditions.<sup>490</sup>

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<sup>488</sup> Noémi Lévy-Aksu, "Freedom Versus Security: Regulating and Managing Public Gatherings After The Young Turk Revolution," in *The Young Turk Revolution and the Ottoman Empire- The Aftermath of 1908* (London: I.B.Tauris, 2017). p217

<sup>489</sup> Abu-Uksa, *Freedom in the Arab World Concepts and Ideologies in Arabic Thought in the Nineteenth Century*. p160.

<sup>490</sup> Kâzım, "Hürriyet - Müsâvât".



This was thus not an open endorsement of the concept of freedom, but a cautious attempt to curtail the expectations and euphoria that was becoming attached to the slogan. Mûsa Kâzım also added that human beings are subject to laws, both natural and legal, and points that both humans and animals are not free to their own will to do as they please. He thus continued to argue that no system in the world provided absolute freedom, as this concept itself requires regulation. He pointed to a rhetorical point of whether people feel they have the right to do as they please, and that in essence absolute freedom means to be free from the laws of the state, religion and society – to some degree suggesting that absolute freedom leads to criminality – of which chaos is a natural consequence.<sup>491</sup> Mûsa Kâzım pointed to a verse in the Quran to stake his claim in which it said “Does Man think that he will be left uncontrolled, (without purpose)? [Al Kiyama 75/36].<sup>492</sup> Thus, it is clear that for Mûsa Kâzım ‘freedom’ required regulation and that ‘Freedom is to be free from the *İstibdat* of the previous form of governance in which [everyone] was squeezed under pressure and that this was neither legitimate nor the right way.<sup>493</sup> Furthermore Mûsa Kâzım added that freedom be interconnected with the concepts of justice, equality and consultation. This is rather reflective of most of the ideas of the ulema at the time: that the concept of freedom was interlocked with the concept of justice, and consultation by lifting the restrictions that had been placed upon people to express their views and opinions, in society, intellectual discourse and political advice. This type of freedom to express opinion was placed within the Ottoman moral framework.

Although to societies today this may be perceived as a reductionist position regarding the ideal of freedom from Mûsa Kâzım, what must be taken into account is his target audience at the time. This type of caution and scepticism was not unique to Mûsa Kâzım as we can see this in the works of Azhari Shaykh Husayin al-Marsafi in Egypt in 1888/1305 (possibly after the Urabi incident) who argued in his *Risalat al-Kalim al thaman* “ Essay on Eight Words” that the issues of *hürriyet* requires some level of caution. Although he accepted that in the social sense the need for freedom, he was reluctant to attribute it in the political sense. Instead he raised his concerns that absolute freedom would lead to bad manners, attaining money illicitly, people stealing and cheating one another and committing adultery. His concern for some of the opinions he was hearing on the street by some of the youth was that this would

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<sup>491</sup> Ibid.

<sup>492</sup> Ibid.

<sup>493</sup> Ibid.

lead to a breakdown in morality in society. His solution was a strict adherence to the Sharia, to safeguard the youth from this possibility of moral decay.<sup>494</sup> Like Mûsa Kâzım, ulema positions on freedom were to be solely placed within the remit of the law, which was in conformity to natural law and the Sharia, and this positions on freedom later be instituted in the Ottoman Constitution.

In a pamphlet written in 1908/1326 Kolcali Abdülaziz Efendi titled '*Kuran-ı Kerim ve Kanun-ı Esasi*' (The Noble Quran and the Constitution) explained how freedom and equality are tantamount to the basic needs of all people and that they are a part of human nature. He explained how every legal system is obliged to guarantee that individual and social freedoms and rights are protected against violation and that the traditions of all peoples are protected against ridicule and mockery. If a legal system could provide that, then that society would prosper.<sup>495</sup> He concluded his pamphlet by explaining that he was quite hopeful for the Muslims because they had adopted the constitution and the principles of *hürriyet*, *müsavat* and *usul-i meşveret*, and that there was no doubt that with the help of Allah and the Prophet Muhammad, the Islamic and Ottoman society would return to its past glory, progress and industry.<sup>496</sup>

Also, Al-Alami wrote in great detail on the concepts of freedom which is worth of note here:

I have witnessed a lot of people asking about the consultative Mab'uthân Council; whether it is legal or not—and also about freedom, whether it is compatible with the honorable Sharia. And as a lot has been discussed and requests for clarification made in this regard, it is imperative to write on the matter and bring to our attention the applicability of the question according to the Sharia and its principles such as the Glorified Book and the incessant Sunna.

This is why I intended to write on this matter while inferring on the legality of the consultative Mab'uthân Council and freedom as much as I could get access<sup>497</sup> through the verses of the Glorified Book, the correct Sunna and whatnot. Then I read in a volume of an Egyptian gazette—I have a copy of but don't want to explicitly mention its name—that freedom contradicts the spirit of the Quran, may Allah keep it in a lofty position. And I found in a speech given by some eloquent folks that Islam was “created” along with absolute authority, may Allah safeguard it against this abjectness. This is why, I

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<sup>494</sup> Husayn al-Marsafi, *Risalat Al-Kalim Al-Thaman* (Cairo, 1888).pp36-37

<sup>495</sup> Abdülaziz, *Kur'ân-I Kerim ve Kânûn-I Esâsi*.

<sup>496</sup> Ibid.

<sup>497</sup> There is a typo in the Arabic manuscript. Instead of *itilâ'* it's written *itilâh*.

am compelled to pen a letter explaining to the dignified readers that all kinds of freedom and the consultative Mab'uthān Council are legitimate according to the glorified Book's verses and that Islam was created along with authority restricted by the glorified Book which is a divine law and obligatory consultation. And I also explain in it what freedom is, and how many of its kind exist. I do this by inferring each kind from many verses from the Book, not from a Hadith, nor by consensus (*ijma*) or analogy(*qiyas*). This strategy, despite its difficulty, is the one I learned about from that gazette. It taught me to approach this difficult matter. This is in line with the true sayings from the Book "We have mentioned in this Quran for each question an example," and "We have sent down to you this book explaining everything." Thus, if I had asked "Are there in the Book verses referring to freedom and the consultative Mab'uthān Council—until it is easy to do so—I would have answered "yes."<sup>498</sup>

The pamphlet was an attempt to emphasise why parliamentary structure in particular was from the precepts of Islam, which Alami went into great detail to find in the Quran. He also attempted to explain the concepts of freedom but marries it with what the other ulema have mentioned above. Alami probably mixed in a network of scholars that belonged to what is described as the Salafist movement. We see a similar sentiment in the ideas of the Manarist writers, as well as Jamaluddin al Qasimi in Damascus. Jamaluddin al Qasami explained how the Constitution not only provided a return to consultative governance but it also provided people with freedom. For Qasimi it meant the freedom to practice one's religion, it did not mean that freedom was to go against the law, and for Muslims to move outside the Sharia. Qasimi also undertook to explain the meaning of freedom to his listeners, some of whom equated freedom with licentiousness:

If the word freedom has nearly intoxicated the people . . . they have a right, for the joy of release after bondage and of freedom after enslavement is a joy surpassing description and definition. However, the rational one knows that freedom, if not circumscribed by religious manners and protected by a bulwark of effective morals, is not the long-sought goal. Therefore, it is obligatory to observe the manners of religion, to cling to the bonds of certainty, to be rightly led by the prophets' and the messengers' guidance, and to follow sincere, wise men.<sup>499</sup>

The ulema's attempts to address the issue of freedom was based on the fact that the new found Ottoman conception of freedom needed to be distinguished from French Revolutionary conceptions of freedom. With there being confusion and a lack of clarity of how this slogan was being reflected in mainstream society, the ulema who

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<sup>498</sup>Al-Alami, *Azam Tadhkar Lil-Uthmaniyyin Al Ahrar Aw Al Hurriyya Wal-Musawa Wal Mabuthan Min Ta'alim Al-Quran*. pp3-4.

<sup>499</sup> Commings, *Islamic Reform*.p126.

took to explain the concept of freedom were well aware of the apprehensions and to some extent outright rejection of the ideal of 'freedom' by certain segments within Ottoman Muslim society. It was bearing this in mind that some ulema in favour of the new constitutional movement attempted to toe the line of on the one hand propagate the concept of freedom but then restrict it to the freedom to practice ones religion, opinion and provide advice. These activities were not alien in the Hamidian period, but when *hürriyet* was being pitted against *İstibdat* it indicated that the ulema's explanations were not overtures to the West or the Young Turks, but instead in many ways they were also skeptical along with their conservative colleagues. The ulema's interaction with the concept of freedom was not as dynamic as other thinkers in the *devlet*. Although willing to endorse Ottoman citizens right to have more political freedom than what was provided by the Hamidian regime, nonetheless, they were still unwilling to endorse a Western conception of either personal or political freedom. Much of the ulema's thoughts were framed either within the arguments that emanated from the *Gülhane* regarding a citizen's right, or in conformity with the ulema scholarship that was extracted from their discussion of the universal ideas that emanate from natural law. Thus, they were willing to concede that freedom maintained a universal component that was independent from religion, a concept that all societies could establish. But nonetheless, with ulema ideals entrenched in the superiority of the idea of law, both natural and the Sharia, the concept of freedom would be restricted within this, and although the ulema would continue to debate in an ever increasing intellectual environment regarding the merits of freedom, nonetheless, as central figures of the constitutional construction of 1876/1293 and then in 1909/1327, they propagated the concept of freedom to the Ottoman public in the way to be instituted in the constitution, in the form of law: the fundamental law as both natural and the Sharia.

### ***Uhuvvet ve Müsavat (Equality and Fraternity), the Ummah or Ottoman Ummah?***

From the nineteenth century there was a steady increase of non-Muslims in the state apparatus. This was a result of the changing social and political circumstances and increasing bureaucratisation to improve the state apparatus. During the nineteenth century the Ottoman *devlet* went through a multitude of structural transformations and political disturbances. Loss of territory in the Balkans, a large influx of Muslim

refugees from Russia, and evolving and moving borders and boundaries meant that the Ottoman centre attempted to construct an Ottoman ideal of belonging. There is no doubt that this policy had ideological undertones if viewed from the perspective of the intellectuals such as the Young Ottomans, but on closer inspection this process had practical implications as well. This new ideal was based on two main factors, the first, was citizenship in belonging to territories that were recognised under Ottoman authority, and the second, of loyalty to the Ottoman dynasty as rulers of the *devlet*. Shifting boundaries made this imagining ever more difficult, but appeals were made to a shared tradition, history and heritage, however vague. Intellectuals such as the Young Ottomans attempted to conceptualise the ideal of *Osmanlilik* (Ottomansim) which provided equality in the eyes of the law and created a universal sense of loyalty from all citizens to the ruling dynasty. Conceptually it was felt that loyalty could be obtained so long as governance provided justice and prosperity. In the case of Muslims, what has often been problematized by academics is the possibility of a contradiction by belonging to the ideal of '*vatan*'(motherland) which eluded to belonging to a patriotic identity with non-Muslims, and that of '*ummah*' which was a transnational identity of belonging to the Muslim community that transcended the boundaries of the Ottoman dominion. There is no doubting that Muslims felt a belonging to the Muslim fraternity, of belonging to the *ummah*, however it was also evident that Muslims felt an affinity to their cultural, linguistic and spaces of residence. How does one then reconcile on the one hand the exclusivity of belonging to the global Muslim *ummah* and on the other hand the belonging to the '*Ottoman ummah*' that started to become popularised after the constitutional revolution of 1908/1326?

As part of their revolutionary zeal in 1908/1326, the Young Turks declared the call for 'equity and fraternity' as part of their 'avant-garde' slogans for social change. The Hamidian state never outwardly undermined the independence of the *millets*, and stressed on interfaith tolerance between the communities as well as loyalty to the Ottoman government. Ottomanism was the inclusive patriotic ideal to attain loyalty from the subjects towards the state, and tolerance between faith communities. But more pressing concerns regarding independence attained by Christian states mainly in the Balkans was feared of destabilising Ottoman hegemony and suzerainty. Recognising that the Muslims now comprised large parts of the Ottoman domains, the Hamidian state attempted to balance the strengthening of its

authority with its main Muslim social base, and at the same time not antagonising the non-Muslim populations. During the constitutional revolution the Young Turks also applied a similar strategy by appealing to the Muslim masses for support while declaring universal slogans to attain the backing of the non-Muslims of the Ottoman domains. This had been a common feature during the nineteenth century, but by 1908/1326 the Young Turk call for equity and fraternity, would present challenges of a different kind as the revolutionary euphoria attempted to create emotional bonds between the various religious groups and ethnicities based on a shared ideal of belonging to the Ottoman world. Ottomanism was seen as the counter ideology to the rising nationalism in the region, a reaction perhaps, but it is worth noting what consequences this had on the Islamic notions of communal identity as the ulema and Muslims thinkers alike were strongly against the idea of nationalism. What made Ottomanism distinct was that it attempted to encompass different religions, ethnicities and linguistic groups, under an Islamic state. These tensions were no doubt challenging to balance and reconcile, but the process was a formative one, in which many thinkers and ulema alike were attempting to find an ideal arrangement. On the one hand there was the theorisation of the ideals of Ottomanism, Islamic unity and Islamic political authority, and on the other practical, ever-changing relationships and realities of the Ottoman domains. The idea of belonging to an Ottoman identity was not presented as an ideal that contradicted religious identities but one that was complimentary in theory and necessary in practice.

In Benedict Anderson's work on nationalism he opines that press capitalism was one of the tools that consolidated a consciousness of what he described as an 'imagined community' along national lines that constructed a shared identity based mainly on linguistic aspects. For Anderson the print press in particular had managed to use an 'official' language that facilitated this imagined collective consciousness along the new national lines based on ethno-linguistic identities. According to Anderson vernacular dialects lost their agency as the chosen language of print dominated the vernacular when nation-building took place. Modern state centralisation was to foster this identity along shared borders and boundaries, and while Ottomanism was different from nationalism in one sense, it nonetheless facilitated a national consciousness that was a reaction to the dominant culture of nationalism in the region.<sup>500</sup> While the Ottoman press was reflective of multiple

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<sup>500</sup> Anderson, *Imagined Communities*. p80-86.

ethnic identities, such as in the case of Armenians, nonetheless there was a complexity in the Muslim identity or the Arab identity for example. Although much of Arab identity had become synonymous with Islam, the non-Muslim contribution to Arabism cannot be denied. While Anderson's premise may shed light on the non-Muslim experience, the Muslim experience prior to the construction of the nation states was somewhat ambiguous. The ulema press were far more reluctant to endorse nationalism as this can be seen in many of their works.<sup>501</sup> A case in point can be seen from the works of *Şeyhülislâm* Mûsa Kâzım and *âlim* Ahmed Naim Baban who heavily criticised ethnic nationalism, whether it be Turkish, Kurdish, Albanian or Arab. Mûsa Kâzım argued that the only one nation for Muslims was the *ummah* and that was based on Muslim brotherhood<sup>502</sup>, while Naim considered ethnic nationalism as a deadly disease that could destroy Muslim unity.<sup>503</sup>

But what was equally evident is that the ulema like intellectuals were contributors to the ideas of multiple identities. The ulema on local levels may have used rhetoric of more local markers of identity, but in their literature they spoke of the Muslim *ummah* as a universal, inseparable block. While it is true that multiple formations of identity would seem to be in conflict with the transnational notion of *ummah*, it seems quite evident that these alternative identities were perceived to be only partially in contradiction with the supranational identity. Another point worth noting is that while Anderson has rightly highlighted that the printing press helps facilitate the idea of belonging to a nation along lingua-ethnic lines, the ulema also used the printing press to consolidate the older foundations of identity of belonging to the Muslim *ummah* by balancing newer formations of belonging to the Ottoman *ummah*. It is noticeable that the Muslim press in fact shaped and consolidated an intra-national Muslim identity of what Nurullah Ardiç has coined an 'imagined ummah'<sup>504</sup> or what Jan Peter Hartung has called 'communication community'<sup>505</sup> but at the same recognising that their audiences were many facilitated a decentralised identity to local consumption.

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<sup>501</sup> Mehmed Akif Ersoy in Şeyhun, *Islamist Thinkers in the Late Ottoman Empire and Early Turkish Republic*. pp19-22.

<sup>502</sup> Mûsa Kâzım in Şeyhun. pp27-30 .

<sup>503</sup> For Ahmed Naim Baban in Şeyhun, *Islamist Thinkers in the Late Ottoman Empire and Early Turkish Republic*. pp59-64.

<sup>504</sup> Ardiç, *Islam and the Politics of Secularism*. p80. Michal Cenker, "Islamic Ummah as an Imagined Community in the Translocality of Muslim Migrants" 2014.

<sup>505</sup> Hartung, "Who Speaks of What Caliphate? The Indian Khilafat Movement and the Aftermath.", pp81-85.

Although Muslims belonged to their distinct linguistic groups, it is nevertheless fair to assume that they also shared various commonalities that transcended national boundaries, uniting them to a communal bloc. In the Ottoman case Muslim trans-localism was not simply attached to belonging to the Muslim *ummah*, but also the Ottoman government which considered itself the only Caliphate. An objective of the Caliphate in Islamic political thought was to safeguard the interests of the *ummah*. The *ummah* and Caliphate were political concepts, but whereas the Caliph's authority laid within the remit of the domains he governed the global Muslim *ummah* transcended those boundaries. Ottoman policies appealed to the concept of *ummah*, a transnational idea, as part of its foreign policy as well as local when necessary. It seems that *Osmanlilik* was not perceived in contradiction to the concept of *Ittihad-ı Islam*. But in the Second Constitutional Period some members of the ulema were aware that the primary objective of the Caliph was only to safeguard the citizens of his own territorial domains.<sup>506</sup> The complexity of politics that centred on the emotion of *Ittihad-ı Islam* was that while the Ottoman state's remit was simply within its confines, nonetheless, appeals for global Muslim unity also emanated from the political culture of Islam and seemed natural. What was stressed however is that the Ottoman *devlet* could not provide the tenets of what was inscribed in the Ottoman constitution to Muslims outside the Ottoman domains. In this sense, the constitution was not simply establishing a relationship between ruler and ruled within the Ottoman domains, it was also establishing the nature of relationship between the Ottoman Caliphate and the global *ummah*.

In the Ottoman Muslim press, the consolidation of traditional identities of belonging to the transnational exclusive identity of *ummah* were being married to the forging with the translocal inclusive Ottoman identity based on shared experience, loyalty and boundary. The point here is to consider that on the one hand the concept of *ummah* was being further consolidated in the Muslim press but at the same time concepts of equality and fraternity were also professed in the revolutionary slogans. As a result, was there any potential risk of increased tensions between Muslim and non-Muslims? Anderson continues to suggest that the official imperial nationalisms were a response of the continental empires fear of the increasing domestic nationalist threat. He states that the official nationalisms were an effort to "stretch.....the short,

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<sup>506</sup> Küçük Hamdi, BH, *İslâmiyet ve hilafet ve meşihat-ı İslâmiye* , March 1, 1909.



tight, skin of the nation over the gigantic body of Empire”.<sup>507</sup> I would stress that identities in general were fluid indicators. Nation state narratives have insisted on clearly defined and demarcated expression of identities, yet belonging to a religious empire, upholding loyalty to an Ottoman *devlet* and at the same time belonging to a global exclusive community may not have drawn up the types of contradictions that we choose to feel today. Although critical on the ideas of nationalism and disunity, the ulema never sought to clarify the ideas of *ummah* from the conception of the Ottoman-*ummah*. In that sense, belonging to the *ummah* and at the same time living in a state that was a religious *devlet* and demanding equality in the eyes of the law may not have been as problematic as historians who have chosen to emphasise on the schisms have stated.

It wasn't simply the Muslim community that found equality and fraternity incommensurable; non-Muslims such as the Jews and Christians in various parts of the Ottoman domains themselves required enlightening that they weren't to lose their distinctive religious independences. If this was a period of 'imagining identities' and histories due to the formation of new nation state developments, it also signified the possible cessation of nuanced religious identities. During the advent of the revolution, the Armenian patriarch of Istanbul explained: "I believe an Ottoman nation with one soul and one heart can exist, but the different elements constituting that nation can not be identical. Each one of them should bring its peculiarities".<sup>508</sup>

The concepts of equality and fraternity provided a different set of ideological and practical complications than the concept of freedom for the ulema in 1908/1326. The Kulali incident in 1859/1276 in reaction to the *Hatt-ı Hümayun* of 1856/1273 had already indicated that forces within Ottoman Muslim society, led by certain ulema figures, were afraid of losses in stature and status if absolute equality were to be attained. During the promulgation of the first constitution, there were factions as well as ulema voices that also raised concerns regarding the concepts of equality among all subjects as well as non-Muslim participation in the first parliament.<sup>509</sup> Although debates were vigorous, nonetheless, in 1876/1293 the policy to apply equality in the eyes of the law, and allow non-Muslim parliamentarians was accepted, as can be seen in the Ottoman constitution of 1876/1293, the Ottoman parliament and the Mecelle.

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<sup>507</sup> Anderson, *Imagined Communities*. p86.

<sup>508</sup> Der Matossian, *Shattered Dreams of Revolution*. p54

<sup>509</sup> On each occasion the ulema involved were sent into exile or in the case of the Kulali incident hung.

The European powers (especially Britain) were indeed unconvinced of Muslim ability to cater for non-Muslim participation, but as Ahmet Midhat Efendi had pointed out, the Ottoman *devlet* had a far more nuanced position towards non-Muslim participation within the state apparatus than the colonial powers themselves.<sup>510</sup>

Leading from the front, the *Şeyhülislâm* Cemaleddin Efendi was one of the first to enact in this symbolic gesture that the Ottoman Constitution was not only Islamic but its designs were not to marginalize any other Ottoman subject but to bring all Ottomans closer together, in loyalty to the Ottoman state. As noted, news of a famous hug between the *Şeyhülislâm* and the Greek orthodox patriarch in Istanbul spread down through the common crowds in the Ottoman domain's mixed towns and cities. Sheikh Rashid Rida cited the *Şeyhülislâm's* behaviour as a model for his own as after this incident, he too embraced Armenian priests at a public event at the Armenian Church in Cairo to the applause of the crowds.<sup>511</sup> Sheikh Rashid Rida further explained:

They say that France is the mother of liberty and equality, yes and no, but the Ottomans are worthier than the French in the glory of equality. France is one nation, one race, one religion, one sect, one language, and one civilisation. So what is strange in the demand of their workmen for equality between their individuals, after honouring what their government demands and what they owe it and [that] they will agree on its unity?

But we Ottomans have already united from the different nationalities in a way that has not yet happened in any other kingdom. We are different in race, descent, languages, religion, sect, education and culture, or we can say we differ in everything that people can differ in, but despite that we demand equality and celebrate its granting in general covenant and in places no doubt and no doubt in this magazine<sup>512</sup>

Rashid Rida recognised the complexities of the Ottoman project, and did not hesitate to print the term 'Ottoman-*ummah*' in his publications. He believed that both Muslims and non-Muslims could co-exist and rather better the French experience of co-existence. Supporters of the new constitutional change also viewed the Western powers arrogance towards Ottoman success with real contempt. Abdullah al-Alami also addressed the concept of Ottoman-*ummah* to his Muslim readership. Although

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<sup>510</sup> Kırımı, "“Authoritarianism and Constitutionalism Combined.”pp60-61.

<sup>511</sup> Campos, *Ottoman Brothers*. p75

<sup>512</sup> Campos, *Ottoman Brothers*. p75

this appeal was to the Muslim readers, he nonetheless was not simply creating a distinctive Ottoman Muslim identity, but was referring to a wider citizenry that included all Ottoman citizens.

There is no doubt that most if not all peoples belong to more than one identity. This can also be said about people in the Ottoman *devlet*, as people would have identified themselves in a host of ways. The construction of ideological terminology can often overlook the blurring of lines of reality. Thus, our rendering of the concept of equality and fraternity should not be an assumption that people of that period perceived the introduction of these ideals as simply sharp identity markers. It is very possible to assume that people already practiced a sense of fraternity and understood equality in their own terms. What problematized the reality was Young Turk ideology towards manifesting the ideals into the public arena, which might have then forced the hand of religious authorities to address their communities in explaining that these were not in contradiction to the identities they already held. Thus, we see such responses by the ulema in attempting to explain to its Muslim audience what was expected from them. In 1869/1285 the Ottoman Law of Nationality legislated that “all subjects of the *devlet* without distinction be called Ottomans, irrespective of the religion they professed”. This was further endorsed in the Ottoman Constitution of 1876/1293 in which Article 8 stated “All subjects of the Empire are called Ottomans, without distinction whatever faith they profess; the status of an Ottoman is acquired and lost according to conditions specified by law” and Article 17 “All Ottomans are equal in the eyes of the law. However, these positions required much debate and discussion as the ulema and Muslims attempted to come to terms with the legality of allowing non-Muslims into the parliament. Ömer Ziyâeddin Dağıştânî explains this point in his published pamphlet on the Ottoman Constitution titled *Miraat- Kanun-ı Esasi* that Article 8 of the Constitution states “All subjects of the *devlet* are called Ottomans, without distinction of whatever faith they profess; the status of an Ottoman is acquired and lost according to the conditions specified by law.”<sup>513</sup> He reinforces the article by providing a hadith where the Prophet Muhammad (SAW) said to the Muslims regarding the Zoroastrians: “Treat them as you treat the People of the Book (Jews and Christians also referred to as *Ahl al-Kitab*)”. Subsequently, he explains all the Ottoman subjects, without any exception, regardless of their religion and sect, are subject to this provision. Apart from their religious beliefs, life, property, and honour

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<sup>513</sup> Ömer Ziyâeddin Dağıştânî, *Mir'ât-ı Kânûn-ı Esâsî* (Istanbul: Sâika Matbaası, 1908/1326).

all Ottoman subjects should be guaranteed protection from; gossip, slur, and evil tongue which are forbidden by the religion.<sup>514</sup> They [non-Muslims] have the same rights, and owe the same duties towards their country, without prejudice to religion”.<sup>515</sup> Dağıstânî was in no way a supporter of the Young Turks, rather a strong supporter of the Abdülhamid II, yet his views nonetheless reflected that of the Ottoman constitution of 1876/1293. While there may have been agitation by some conservative circles regarding the merits of equality, nonetheless Dağıstânî’s effort would curtail conservative proclivities.

While in rhetoric the revolution proclaimed the call for equality and fraternity, it also created a destabilising factor. With the absence of any real clear central authority, the first few months of the revolution were glossed over with the revolutionary celebrations. Nonetheless, under the surface the possibility of discord and violence remained, especially in some of the rural and nomadic provinces of the *devlet*. Kolcalı Abdülaziz Efendi expressed his concern when he warned his readership to refrain from causing division within society, citing that social freedoms and rights of all are protected against violation and that the traditions of all peoples are protected against ridicule and mockery. According to Abdülaziz Efendi, if a society could guarantee these, then that society would prosper and last forever.<sup>516</sup>

Knowing full well of the potential agitation that could occur simply due to the destabilising nature of the revolution, many ulema, either by pen or by action, took a leading role in attempting to normalise the situation and to establish peace and tranquillity in the *devlet*. This delicate balancing act of stressing the importance of interfaith co-operation and the fear of Muslim sensibilities regarding their decreasing authority was indeed a tricky one at times. More importantly, while agitation was perceived from the conservative elements in Muslim society such as some ulema, Sufi sheikh, students, and even military officers, it was rather bolstering to hear that even conservative voices recognised the need to rally both Muslims and non-Muslims around the banner of Ottoman unity. While the ulema would continue to stress on Muslim superiority, they were still actively supporting an inclusive Ottoman civil identity that encompassed all Ottomans. Nonetheless, the ulema’s insistence on equality and fraternity was restricted within a legal framework which was to be

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<sup>514</sup> Ömer Ziyâddin Dağıstânî, *Mir’ât-ı Kânûn-ı Esâsî*, pp24-25.

<sup>515</sup> Dağıstânî’s contribution which shall be discussed later was the first of its kind where an *alim* attempted to break down the main articles in the constitution of 1908/1326 and explain it to the mass Muslim audience. The work was also endorsed by the conservative newspaper *Volkan*.

<sup>516</sup> Abdülaziz, *Kur’ân-ı Kerim ve Kânûn-ı Esâsî*. p2.

institutionalised through the constitution. The constitution was not simply a document aiming to curtail the Sultan's authority, it was also intended to highlight to both Muslim and non-Muslim what their role within Ottoman society would be. While one could believe that the Ottoman ummah was simply an Islamic justification for Ottomanism, in reality it was also an appropriation of interfaith toleration. According to both the constitution and the efforts of the Mecelle, there was indeed relative equality between Muslim and non-Muslim, though ultimately Muslim advantage was not to be compromised.

### **The Drafting of the Constitution - *Muaddal Kânûn-ı Esâsî ve İntihab-ı Mebûsân Kânûnu***

The culmination and proof of the ulema's influence on the constitutional ideas can be assessed from their role in constructing a draft document of the constitution for the assembly titled *Muaddal Kânûn-ı Esâsî ve İntihab-ı Mebûsân Kânûnu*. The document was split into two main sections with the first part written in the style of the proof pamphlet like the essays discussed in this section. What it reflected was the prominent thoughts adopted by the ulema who were a part of the political class in the Ottoman *devlet*. The second part of the document was a rationalisation of each article in the Ottoman Constitution that needed amendment as well as an explanation of the reasoning of those articles. It was unlike Dağıstânî's *Miraat-ı Kanun-ı Esasi* which was a document that only used hadith to legitimise the articles of the constitution of 1876/1293. The discussions of the amendments of 1909/1327 were a reflection of why the decisions were taken to make the proposed amendments. Of importance was the amendments on the Caliph, law and his government. It continued with the Ottoman tradition of the late 19<sup>th</sup> century of having both civil servants and members of the ulema in the committee. But it was clear from the style of the writing of the document that although opinions were indeed taken from civil servants nonetheless, the ulema were vested as the main authority to construct the style in which the document was presented and written.

What is worth mentioning is that not only were the ulema of the committee from a wide range of backgrounds which formed a consensus among themselves, they were also part of a greater body to form a consensus that was reflective of the function of parliament. It was becoming evident in the Ottoman *devlet* that *ijtihad* in

matters to do with administration and the executive were no longer going to be invested in the authority of one person whether that be Caliph or *Şeyhülislâm*. Instead, this authority would be vested in the parliament which the Caliph and *Şeyhülislâm* were a part of. While independence was permitted in matters to do with independent scholarship and law, *ijtihaad* was institutionalised within the structure in matters to do with the transformation of the political structure where *ijmaa* included the politicians and the ulema. Thus, laws would have to be passed through the parliament in which a general consensus could be attained where all parties were involved. In this sense, the ulema were neither neglected nor solely depended upon, but nonetheless were integral.<sup>517</sup> It was clear that in the Ottoman *devlet*, decisions were placed in the hands of committees, a development that culminated with the establishment of a parliament in 1908/1326, whereby the parliament became the most powerful institution within the political structure.

At a basic level the draft document was concerned with addressing the law and its relationship with people. This should come as no surprise as the document was perceived as the fundamental law and the proof pamphlets written earlier had also attempted to address the issue of the relationship of law and people. The document however, was not a fragment related to universal Islamic discourse, and was more related to specific issues that were unique to the Ottoman experience. Hamdi Yazır Efendi was the delegated writer of the document and the members of the ulema in the committee were predominately members of the *Cemiyet* such as Mustafa Sabri Efendi and Mustafa Âsım Efendi.<sup>518</sup> Whereas Hamid Yazır was indeed the main writer of the document, it would be a simplification as Gunasti has suggested that the document was a deliberation of Hamid Yazır's own thoughts, alluding to him being the chief architect of the document.<sup>519</sup> Instead it looks rather plausible that Hamdi Yazır had presented the ideas that were dominant within the ulema who were in favour of constitutionalism. The draft document began with a philosophical reflection on law and the different types of government. It stated that Mankind, through their *fitra*, have organized their affairs through some form of government. The form and kind of government differs with time and place, but the need for law does not. It continued that the need for laws is universal and that the need to propose

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<sup>517</sup> Hazım, "Meşveret."

<sup>518</sup> Gunasti, "The Late Ottoman Ulema's Constitutionalism."p97.

<sup>519</sup> Ibid.p98.

laws is also part of man's *fitra*.<sup>520</sup> According to the draft document, one's (*fitra*) is compatible with the Sharia and an Islamic natural law leads people to realize the need for the Sharia. The two strengthen one another to create a constitutional government that enacts and enforces laws and maintains equilibrium between its different branches.<sup>521</sup> Thus, the Sharia and one's nature were in perfect harmony with one another and that the constitution was a reflection of both the supreme Sharia and its conformity with human nature. Mûsa Kâzım had explained in an article on '*Adâlet*' (Justice) that both the natural law of the world and the Sharia do not contradict one another and that they are in conformity with the Quran, and the customs and rules of Ottoman society. Mûsa Kâzım's worldview presented the position that human beings inherently do not wish ill for one another but rather if given the choice human beings universally create laws for the safeguarding of humanity. For Mûsa Kâzım there seems to be a premise at least that there is some form of commonality between all human beings. A clear point in his article is his position of natural law and that all beings whether animals or humans although free, follow a law of nature in which there is a hierarchy.<sup>522</sup> It is worth noting how the concept of natural law which was written into the debates of the *Muaddal Kânûn-ı Esâsî* were also evident in the works of Egyptian scholars Tahtawi, Muhammad Abduh and Rashid Rida.

The *Muaddal Kânûn-ı Esâsî* was reinforcing the ideas of the ulema at the time as Sheikh Kolcali Abdülaziz explained in his *Kuran-ı Kerim* in 1908/1326, the universal role of natural law, by explaining that freedom and equality are basic needs of people and are part of human nature (*fitri and cibilli*). He continued that there are certain rules and laws that govern the way man satisfies those needs, and these rules and laws also govern society and its leaders. These rules and laws are called natural law, laws of history, civil law, and the Sharia law. The progress and happiness of humanity depends on the degree people follow these laws. In the eyes of these laws all people are equal. He continued that before Islam, there were two great empires, the Roman and the Persian, and savagery and cruelty were common in their realms. In the Roman Empire savagery and cruelty took the form of laws and regulations. While humanity was suffering in such horrible conditions, Islam emerged in Mecca and illuminated humanity. He quotes the verse [Hucurat, 49/13] and comments:

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<sup>520</sup> *Muaddal Kânûn-ı Esâsî ve İntihab-ı Mebûsân Kânûnu* (Dersaadet: Şems Matbaası, 1911/1329).pp3-11

<sup>521</sup> Gunasti, "The Late Ottoman Ulema's Constitutionalism."p104.

<sup>522</sup> Mûsa Kâzım, "Âdalet," *SM*, October 19, 1908/1326.

“[O]nly those of you who follows the natural law, laws of history, civil law, and Sharia law will be honourable”.<sup>523</sup> The draft document also alluded to the idea that there are various types of governments, but the need for laws is universal, and the right to propose laws is associated with one’s *fitra*.<sup>524</sup>

But the main focus of the proposal was to clearly provide justification for curtailing the authority of the Caliphate from ever becoming arbitrary. The document stated that the Caliph enforces the Sharia according to the conditions of the times and he receives his political guardianship from the *ummah* through the general assembly. By virtue of the *beyat* given upon his investiture, the Caliph becomes the deputy of the people.<sup>525</sup> This was a worthy point as no mention was given of the Caliph being the deputy of Allah or the Prophet, but instead only of the *ummah*. It continued that the Caliph should act according to Sharia and he should not stray from the advice of the ulema and the jurists.<sup>526</sup> This point indicated the increased position of the ulema after the 31<sup>st</sup> March incident in which the ulema openly declared their importance to the political process. The document would instill the importance of the ulema not only as advisors but also recommend a greater status for the *Şeyhülislâm* in the cabinet.<sup>527</sup> The caliph is subject to the supervision of *ahl al-ḥall wa’l-‘aqd* (the people who loosen and bind) in the general assembly, consolidating that the people of the ‘*aqd*’ were indeed the parliamentarians and not the ulema or select few. This indicated that the parliament was not simply a consultative assembly but it was also the authority that endorsed the Caliph, elected the Caliph, supervised the Caliph and more importantly held the Caliph to account. The two main objectives of the Caliph were to implement and protect the law and safeguard the interests of his citizens. The Caliph was not above the law and his authority was restricted to the territories he ruled over. This idea was consistent with the ideas of the ulema in favour of constitutional governance at the time that was now written as a draft document. This was not simply the opinion of the ulema in the drafting committee or the *Cemiyet*, but a reflection of a wider opinion of members of the ulema who were in favour of the new political order.

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<sup>523</sup> Abdülaziz, *Kur’ân-I Kerim ve Kânûn-I Esâsi*. pp2-3.

<sup>524</sup> *Muaddal Kânûn-ı Esâsi*, pp3-11.

<sup>525</sup> *Muaddal Kânûn-ı Esâsi*, pp5-6.

<sup>526</sup> Ibid.

<sup>527</sup> Ibid, pp7-8



## **Chapter 4 -The Ulema and Increased Visibility – New and the Old – Cami and Meclis-i Mebusan**

In this chapter it will be discussed how the ulema's visibility increased as the Constitutional Revolution facilitated the ulema to exert the use of their privileged and traditional spaces, such as the mosques, medressas and traditional means of publications. At the same time, the ulema showed from the inception of the new conditions and opportunities that the new constitutional environment provided that they were neither slow nor reactionary to the spaces created by the elections, newspaper culture and parliamentarianism. In fact the ulema had managed to use the privileges of their traditional position as operators of the apparatus provided by the state and amalgamated that with the new. In this sense, in the face of unrelenting changes due to the introduction of the modern, the traditional class were far from redundant. As the state structure transformed the ulema adapted accordingly. The ulema continued to respond to the introduction of these new changes, not always successfully, but nonetheless, the traditional class displayed that they had a transformative ability. Thus, rather than asking whether the ulema were able to adapt to the new conditions it would be better to ask which ulema were able to use the new spaces that were created. As it was shown in the previous chapter the Sultan did have his supporters, but a new group of ulema were starting to use the new mediums of the new conditions. Other ulema who had become marginalised during the Hamidian period were able to also ride the new wave to re-entre the fold, while another group of *ulema* who had managed to balance their positions during the Hamidian found ways of continuing this skill in the new reality. Hence the next chapters shall show how the new conditions did not only allow the ulema as a whole to become more visible, but also created spaces of ulema contestation as new versus old and young versus senior challenged each other where the marginalised managed to become visible and those who had enjoyed much Hamidian support left frustrated in being forced into the shadows.

## Visibility and Invisibility

A unique status of the ulema was that they were both state actors and non-state actors. It is for this reason that the conceptualisation of the 'politicisation of the ulema' has left many commentators conflicted regarding the ulema's political role. Ideal ulema political activity has been presented as political quietism. There is a tradition in Islamic history that this be done by abstaining from involving oneself directly in politics. However, the reality was that the ulema were always part of the political structure in some form. Some members of the ulema did indeed refrain from direct political involvement, whilst others indulged in political activity. The styles were different, but the objective the same, to serve religion, state and Muslim community. While those who abstained have been presented as holding a principled position, those who worked in the state apparatus didn't believe they were unprincipled. Jacob Scovgaard-Peterson has pointed out that although the state Mufti is often perceived as the state's Mufti, this is a rather simplistic manner of viewing the official who worked in the state bureaucracy.<sup>528</sup> Scovgaard-Peterson continues to point out:

State Muftis tend to see themselves as something more than – if not indeed opposite to- the instrument of the State. What they tend to stress is their role as spokesmen for the religious sector of society, as defenders of the Shari'a and its norms in a society.....they contend that it is they themselves who use the state as an instrument for the pious and devout religious policies, a claim that has some element of truth in that very often the State Muftis have the budget and the authority to convene conferences, publish information, instituted policies and in other ways influence the public and the society on issues where they perceive a threat to religious norms and values and rules. And there is also the rare occasion where a State Mufti actually stands up against the government and demands that it changes its policy on a specific point. This dual role of the State Mufti is similar to that of the ulama at large, as it has been described in earlier Muslim societies.<sup>529</sup>

The ulema's mediation functioned within the state structure and outside of it, and in moments of discord their visibility depended on the severity of the conflict. When required as mediators the ulema's visibility was conflated, sometimes sought, often pushed. During the advent of the revolution the ulema's visibility certainly increased as the calls of unity required the agents of religion to come to the fore. But much has been made of the ulema's so-called decline during the Hamidian period, yet ulema

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<sup>528</sup> Scovgaard-Peterson, "A Typology of State Muftis." pp. 81-98

<sup>529</sup> Ibid.

withdrawal from public life was also a political act during moments of discord, especially when religious fanaticism was declared. In this sense, it is important to understand that in Muslim societies the ulema's visibility and perceived invisibility was not simply a matter of the increase or decrease of ulema authority, but instead a role where the ulema became visible and withdrew depending on the circumstance.

### **The Festivities of 1908/1326 and Increased Visibility**

No sooner had the return of constitutional governance been declared then all the different actors of political authority began to situate and juxtaposition themselves for the change in style of governance. The Sultan was still in authority - although it could be argued nominally, the statesmen within the Sublime Porte became invigorated, the streets of Istanbul were under military presence, as the official introduction of the – although still clandestine - Committee and Union and Progress (CUP) was made to the existing political order. These changes in events were indeed a transformation from the existing political status quo. Islam as the ideological political framework of the state apparatus was not attacked, nor was it questioned, the Sultan as Caliph still remained on his throne – for now. With the streets ornamented with euphoria the ulema were also not attacked, but instead, their visibility and dependency increased during this moment of change but also upheaval, as it so often did and still does in Muslim societies. With the CUP – in unconstitutional fashion– remaining to operate in a clandestine manner, possibly unsure of the success of their own actions and authority, and aware of the possibility of repercussions still conceivable, remained inconspicuous to the mass Ottoman public by and large.

However, the Revolution expressed in Islamic rhetoric, had presented conditions for the ulema to become prime candidates on shaping and orchestrating mass Muslim public opinion from the transition to one ideological regime (Hamidian-Islamically autocratic) to another (Islamic- Constitutional Monarchy).<sup>530</sup> With such circumstances the ulema were thrust into the visible spaces created by the new conditions established by the revolutionary culture. It must be stressed the ulema were well aware that their audience were many, both the leadership and the lay, both

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<sup>530</sup> It must be stressed that I argue that the transition from Hamidian to Constitutional was not a transition from Islamic to a more secular form of governance, but rather an alternative form of political Islamic governance just as heavily based in Islamic thinking and rhetoric. Thus I will not make the presumption that the Hamidian period was 'more' Islamic than the Constitutional period.

Muslim and non-Muslim. In fact so were the ulema in many, both in leadership and lay, both educated and learning. The transition from ‘Constitutional autocratic monarchy’ to ‘Constitutional parliamentary monarchy’ did not create an instantaneous sharp break, neither in the political structure nor in the minds of the mass public.<sup>531</sup> But the change in condition did provide an opportunity for the increased prominence of the ulema that had been under some level of constraint during the Hamidian period. Thus, once Pandora’s box was opened it should be of no surprise that the ulema once again became the visible organ in the public space in relation to the constitutional change to elucidate how and why this new change was legitimate and should be celebrated.

The success of the Revolution had been presented as a success for the Ottoman people, religion and Sultan. The vanguards of this success were the Young Turks, mainly the ‘noble’ military personal who risked all for the safeguarding of the Ottoman domains. In reality, much of the constructed festivities on the streets of the urban centres were simply attempts of either justification or facilitation of the new political change, as narrative building by the new political order begun by the use of new symbols such as coins, flags and articles. Apart from the imperial centre and the Balkan provinces, much of the *devlet* was alien to the manner in which the constitution was promulgated. Scepticism in Anatolia, Mesopotamia and the Arab provinces still loomed in many of the conservative areas of the empire as confusion gripped many of the provinces as news gradually trickled by telegram to enjoin in the festivities of the proclamation of the constitution due to the favour of the Sultan.

Although the given public holiday was not religious, the festivities reflected religious symbolism, as religious actors of all faith groups once again became the visible mediators of the legitimacy of the constitution in the guise of the festivities. It took two days before celebrations were publically declared in the streets of Istanbul suggesting that many of the masses were unaware of what the return of the constitution entailed. The Ottoman government had experimented in ‘constitutional’ governance before - albeit for a brief while. So what was so different in 1908/1326 that required festivities, sermons and celebrations? There was a dichotomous problem

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<sup>531</sup> During the Hamidian period Ahmet Midhat had written works on the constitution, where he explained that Sultan Abdulhamid II was an admirer of freedom, in fact he explained that he was the father of freedom. He continued that the Kanun-i Esasi was a kind of religious law that had to be protected by the Sultan. It was designed to also protect the Caliph and the constitution was not directed against the liberty of the Caliph rather to clarify the restrictions of his rights which the Sharia had done anyway. With such view it would be no surprised if the ‘revolution’ brought with it a sense of confusion. See in Kırmızı, ““Authoritarianism and Constitutionalism Combined.”p59.

that also arose. Was the constitutional change from the will of the people or did the Sultan sanction it? Presenting the revolution as a ‘popular’ revolution indicated that this was the will of the people. This entailed the problem of the Sultan being subjugated by his subjects.<sup>532</sup> If we learn anything from the meetings in Firzovick we clearly realise that the removal of Sultan would have been deeply resented, a charge continually aimed at the Unionists by their political opponents. This would then lead one to explore the argument that the constitution was provided by the Sultan. However, suggesting that this was an initiative given by the Sultan begged the question of why the need for a revolution. We thus witness a complex case of legitimising the revolution as a transformation against the Sultan but not humiliating his authority, as we view how this complexity played out in the public sphere. The ulema became central to the debates, either as forerunners or curtailers of Unionist zeal. The change in conditions in 1908/1326 allow one to take a glance at the complexity of the state of affairs for the agents of authority whether of state, religion or society, as new political protagonists attempted to attain the reigns of the state machinery and gradually deploy a discursive narrative regarding the ‘revolution’, and need for constitutional change.

Revolution, or *inkılap* became a loaded term that needed to address this complex sensitivity of the change in governance whether mass orchestrated or permitted by the Sultan. It thus must be asked; did the term *inkılap* refer to mean ‘revolution’ in what we understand in the modern sense? The qualification of such words became significant in regards to legitimating the ‘change’ as all the terms and slogans during the revolutionary process such as *inkılap*, *hürriyet*, *müsavat*, *uhuvvet*, *nizam*, *adâlet* and *meşveret* came out in the main public domain. No sooner had the change been declared that a plethora of ulema activity both traditional and new increased the visibility of the ulema as important agents during the revolutionary period. Traditional; in the sense that the ulema intensified their use of the mosques, the Friday sermons and works in pamphlets and commentaries. New; in the sense that the ulema managed to become journalists, activists, and parliamentarians. The positions of the ulema thus requires investigation as it was their position as mediators that provided legitimacy for the change from one form of governance to another as

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<sup>532</sup> It is my belief that academics like Aykut Kansu have also taken this CUP construction as a proof of the actual reality. It is fair to argue as Kansu has on the problems relating to taxation and how many lay members of the Ottoman populace supported the movement to re-instate the constitution of 1876/1293, however, I would stop short of assuming that this was a popular revolution. See in Kansu, *The Revolution of 1908 in Turkey*. pp1-11.

the reign of the ‘pious sultan’ had been transferred to represent the ideals of the ‘spirit of the constitution’.

### **The *Âlim* as a Representative of Religion, Community and State**

When festivities were amassed throughout the *devlet*, the festivities represented a multi-faith dimension. The appeal of revolutionary change couldn’t simply appeal to the mass Muslim audience. The *devlet* was indeed a multi-ethnic/religious one, and thus the need to include rather than exclude was a central theme adapted by the agents of change once the promulgation of the constitution was made public. Public gardens, public squares, and even churches became spaces of celebration and festivities for the masses irrespective of faith. Bedross Matossian rightly explained that public festivities and parades are public dramas of social relations in which social actors decide what subjects and ideas are available for communication and consideration.<sup>533</sup> Additionally, the visuals of *hürriyet* also shaped the impression of popular support which continue to shape our vision of the revolution and their celebrations as being popular celebrations.<sup>534</sup> Thus the discussion of the return of the constitution was presented as the main reason for the euphoria. However, how much the masses resonated with this feeling in an eclectic and multi-ethnic *devlet* that spanned three continents is difficult to tell. Although many actors were indeed sincere to the emotions created by the celebrations, but what cannot be refuted is that much of the celebrations were indeed fashioned by the new forces of change so that there was an aura of legitimacy for subjugating the Sultan both to the Young Turks and the Constitution.

The open civic spaces were apt for public gatherings; the churches were used for a multi-confessional purpose where peoples of all religions including Muslims would attend the public declarations for celebrations. Once the proclamation of festivities was declared these types of stories can be cited all over the *devlet* such as the Balkans, Beirut, and even in provinces in Anatolia. However it must be stressed that this was not the case ubiquitously, as some ulema feared that such an environment was to encourage an end of Muslim superiority in the *devlet*. There had

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<sup>533</sup> Der Matossian, *Shattered Dreams of Revolution*. p25.

<sup>534</sup> Saadet Özen, “The Heroes of Hürriyet: The Images of Struggle,” in *The Young Turk Revolution and The Ottoman Empire - The Aftermath of 1908* (London: I.B.Tauris, 2017). p15

always been fear that since the *Tanzimat* onwards there was a continual compromise in favour of the non-Muslims. This indeed could be suggested as a baseless fear by more conservative elements within society who felt that Muslim exclusivity should be the main identity of the *devlet*.

Nonetheless, overall, the *ālim* was seen shaking hands, embracing as well as standing side by side with his fellow Ottomanist brethren in a sign of public solidarity representing the 'new' ideals of the Constitutional Revolution. The precedent started by the then *Şeyhülislâm* Cemaluddein Efendi as the state mufti represented the position of the official of the state. The *ālim* thus entered the space of the church as a 'state official' religious and political representative/dignitary of the state/religion. His presence was to legitimise the solidarity between all the subjects of the *devlet*. This was not simply a show of multi-faith gathering; it was a sign of the political and social role of the *ālim* that transcended purely his religious function to the mass Muslim public. This would however have been a generalization to assume that the ulema were merely acting as the state's agent as their role was far more complicated than that. It seems more plausible to assume that they were indeed invested in the new governmental project.

The *ālim* was indeed a symbol of state ideology, but not exclusive to the state as can be seen in regards to some of the opposition by official state ulema to Sultan Abdülhamid. They were intertwined by the very nature of the fact that the state ideology was based on Islam which further complicated their role. The absence of the *ālim* in the celebration and the invitations of the churches and public squares would have been perceived as a rejection either by the state towards its minority citizen or a rejection by the ulema of the *devlet's* minorities. This would have reflected not only an inability to live side by side with the other faith groups in the *devlet*, but also a tacit rejection by the ulema of the non-Muslim citizens. In fact it could be stressed that throughout such multi-religious celebrations, the *ālim* retained his position as a essential figure who embodied the state and religion and how it interacted with the mass public, not only Muslim. Whereas, the *ālim* had entered the spaces of the churches in the Ottoman *devlet* the same is not reflected of the Jewish Rabbi or Christian Priest in accordance to their entering of the masjid, although there were indeed exceptional circumstances permitted. The masjid represented a different space, an abode synonymous to ulema authority, it is thus worth investigating how the

mosques as sacred spaces were used during the revolutionary celebrations and elections.

### **The Masjid (Mosque) as a Political Space**

In the Ottoman *devlet* the role of the masjid as a space did not simply carry a religious component as much of the architectural spaces lent to the various functions the ulema conducted, especially the political symbolism and role of the Friday sermon. The Friday sermon was perceived as a central purpose of the monumental Ottoman mosque. So much so that Ebussud the *Şeyhülislâm* to Sultan Suleiman the Magnificent suggested that the sole purpose of the monumental mosque was primarily for the Friday sermon. Moreover, it has been said that the courtyards of the masjids in the Islamic cultural cities had replaced the agora of the cities for the spaces for communal declarations.<sup>536</sup> This is not to dispute that the *maydan* (public square) was relegated as a space for political importance, but the *maydan* was a ‘civil’ communal political space, whereas the mosque was exclusive for the mass Muslim population. Although the *maydan* sometimes doubled as an open-air marketplace or was even appropriated by the populace for public protest, it was always the privileged space of the rulers and was never considered a civic space, one that is related to the city and its citizens.

But what of the masjid? Throughout the Ottoman period it can be argued that the masjid, especially the Friday camii (mosque) complex functioned as both a religious space and political one that was opened to both ulema and lay Muslim. In 1991, al-Sadiq al-Nayhum, a Libyan thinker exiled in Geneva, published a book of collected essays in Arabic with the provocative title *Islam in Captivity: Who Stole the Mosque and Where Did Friday Disappear?* The thesis of the book was not novel. Al-Nayhum posited that modernity had failed to take root in the Arab world because in large part it had grown out of Western history and developed in a Western cultural and epistemological context, which is incompatible with the culture and knowledge nurtured by Islam. Al-Nayhum, predictably, advocated a return to a pure, foundational Islam to rebuild the battered and confused Arab societies. Al-Nayhum, however, differed from other like-minded thinkers by attending to the role of space in

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<sup>536</sup> Nasser Rabbat, “The Arab Revolution Takes Back the Public Space,” *Critical Inquiry* 39, no. 1 (September 2012).pp199-200.



framing, sustaining, and ultimately molding the Islamic political tradition.<sup>537</sup> His focus was of course on the quintessential Islamic space, the mosque, hence its appearance in his title. His understanding of the mosque was both historical and spatio-functional. He recognized both the simple but effective original layout of the mosque—its undifferentiated and nonhierarchical space that could serve for prayer, communal congregation, learning, and even political gathering.<sup>538</sup> It is the last point that al-Nayhum emphasized in his book; the mosque was the premier public space in the Islamic city.

In the late Ottoman period, especially in the case of monumental masjid structures, we see an existence of a host of Muslim power dynamics wherever and whenever the mosques existed. Masjids became a visible symbol of Islam, at times a declaration of intent by the patent/commissioner in which it drew a mass Muslim public to it. Both during its construction and completion it lent itself to the configuration and reconfiguration of the urban fabric of the area wherever it was built. Along as a space for worship it was a place of gathering, a place of teaching and learning, whether in the form of classes, circles or by sermon. The monumental masjid structure was an evident visible symbol, possibly a symbol of the soft power of Islam as a presence in the Ottoman devlet, but not designed to agitate but a simple fact of state authority, as the official religion of the state.

### **The Ottoman Ulema in 1908/1326 and the Masjid**

During the Hamidian period the function of the masjid as a political space was not eliminated, simply heavily regulated, still used to praise the Caliph Abdülhamid, nevertheless the culture of the spy network and censorship regarding the press law meant that once the constitution was proclaimed and the spy network was abolished the pressure valve was removed for political activity and discussions by the ulema independent from state repercussion. Hagia Sophia was a central space of protest regarding the removal of the Hamidian spy network in which many ulema felt some degree of pressure, knowing that their words and actions were under the scrutiny of

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<sup>537</sup> al-Sadiq al-Nayhum, *Al-Islam Fi Al-Asr: Man Saraqa Al-Jami' Wa Ayna Dhahaba Yawm Al-Jumu'a?* (London, n.d.). see also Rabbat, "The Arab Revolution Takes Back the Public Space." p199.

<sup>538</sup> Paul Wheatley, *The Places Where Men Pray Together: Cities in Islamic Lands, Seventh through the Tenth Centuries*, 1 edition (Chicago: University of Chicago Press, 2000).pp32–54, 263–69. Rabbat, "The Arab Revolution Takes Back the Public Space." pp199-203.

the state apparatus. But once this was abolished, the space became a dynamic area of much political activity. On Sunday, July the 26<sup>th</sup> a crowd of madressah students made a demonstration in Yıldız in which the cry was raised for the first time in the Sultan's presence, "Down with the spies!". The *Şeyhülislâm* and other leading ulema were present, as the demonstrations left their mark.<sup>539</sup>

But while the masjid was a place to rally populist support, when used by the official state ulema it was also a form to support state objectives. This was also the case in Hagia Sophia as in early August, a week after promulgation the *Şeyhülislâm* instructed in the mosque to the hocas of the masjids to preach regarding the merits of the constitution.<sup>540</sup> It was also in August that in the Beyazid Camii in Istanbul that the ulema of the imperial city came together to discuss the merits of the constitutional in accordance to Islam in which hundreds of ulema and students had attended.<sup>541</sup> Another example of this was in Smyrna where a British observer noted "A service was held in the chief mosque, attended by the *vali* and all his officials, when a sermon was pronounced on the benefits of council and its harmony with the tenants of Islam as shown by the example of the Prophet himself".<sup>542</sup> When visiting Istanbul even Sheikh Rashid Rida conceded that he noticed in Istanbul that he didn't notice in Egypt or Syria which was political preaching.<sup>543</sup>

During the revolt in Macedonia Hoca Şaban Efendi explaining to large crowds in the masjid of the importance on the constitution and on one occasion was seen brandishing the Holy Quran before the crowd and declared in the Firzovik mosque after the prayers that demanding the restoration of the constitution was equivalent to demanding the Sharia. When the constitution was declared during the first Friday prayer in Damascus at the Umayyad mosque, it presented celebrations by the leaving congregation where the ulema and the congregation chanted with Fuat Pasa, "Long live freedom; long live the constitution; long live Fuat Pasa!"<sup>544</sup> But it wasn't simply

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<sup>539</sup> Pears, *Forty Years in Constantinople*.p237.

<sup>540</sup> 1909 [Cd. 4529] Correspondence respecting the Constitutional Movement in Turkey, 1908. 1909: No. 1 (Turkey: Constitutional Movement: Numbered Papers) *Vice-Consul Doughty-Wylie to Sir G. Lowther*, Konia, August 1, 1908.

<sup>541</sup> The Times, August 21, 1908.

<sup>542</sup> 1909 [Cd. 4529] Correspondence respecting the Constitutional Movement in Turkey, 1908. 1909: No. 1 (Turkey: Constitutional Movement: Numbered Papers) *Sir G.Lowther to Sir Edward Grey*, Therapia, August 11, 1908.

<sup>543</sup> François Georgeon, "Religion, Politics and Society in the Wake of the Young Turk Revolution: The 'Ramadan of Freedom' in Istanbul," in *The Young Turk Revolution and the Ottoman Empire - The Aftermath of 1908* (London: I.B.Tauris, 2017).p182

<sup>544</sup> Der Matossian, *Shattered Dreams of Revolution*. p29.

in favour of the constitution; even in contestation the ulema were able to use the mosques as a space to gather loyal supporters to march in protest. This was the case during the K r Ali incident, similar activity also took place during the Counter-revolution in 1909/1327 when two imams at the Valide Han Camii denounced liberty and equality to incite the crowds.<sup>545</sup>

The ulema naturally utilised this space during the advent of the revolution as they had done so in the past. The Friday sermons all over the Ottoman domains were ordered to preach to the mass Muslim public about the constitution. The sermons were coupled with circles and talks to all those who were interested in listening. The interest was encouraged as if it was a duty for the Muslim of the public to engage in. This can be seen by the proclamation of such activity in the Islamic journal *Sir tim stak m* where Manastırlı İsmail Hakkı *Imam* of the Hagia Sophia published his *Mev 'iz* (sermons) that were used as a Friday sermon on the ideas of Islam and constitutional governance. Manastırlı's series of talks on a host of subjects which included the constitutional form of governance were printed in the journal nearly every week in the start of the journal.<sup>546</sup> Bereketz de in another article also exclaimed to the masses to attend Manastırlı's circles on the concept of consultation.<sup>547</sup> He stressed in his article to explain to the masses that a detailed circle would be held by Manastırlı İsmail Hakkı in the Hagia Sophia Camii(mosque) every Friday. As Nasser Rabbat has explained "The mosque provided the space in the city where the adult male population exercised its political rights, particularly on Friday, when the community reconfirmed its allegiance to its leader or withdrew it in vocal responses to a formulaic oath included in the sermon."<sup>548</sup> And while the ulema were using the Friday sermon to disseminate ideas, not longer after the proclamation of the constitution did the Islamic holy month of Ramadan arrive- the best month for communication par excellence, further providing the ulema the much needed and opportune moment during this seminal circumstance of political change. But Ramadan was also a tricky situation for the ulema, as during this period of freedom, women were pushing the boundaries of Islamic dress code, and some people thought

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<sup>545</sup> Pears, *Forty Years in Constantinople*. pp273-274 McCullagh explains "[O]n the steps of the Valideh Mosque...was an enormous crowd of fezzed and turbaned native, perfectly silent and motionless" as the army moved in Francis McCullagh, *The Fall of Abd-Ul-Hamid* (London : Methuen, 1910).p101.

<sup>546</sup> Manastırlı İsmail Hakkı, *Mev 'iz*, *SM*, 27 August 1908/1326.

<sup>547</sup> İsm il Hakkı, *İsl m ve Us l-i Me veret*, *SM*, 24 September 1908/1326.

<sup>548</sup> Rabbat, "The Arab Revolution Takes Back the Public Space."p200.

they could openly eat in public during this month, forcing the ulema to address these issues.<sup>549</sup>



Figure 3: The demonstrations for the boycotts outside Hagia Sophia. Picture provided by IRCICA

Hagia Sophia in particular as a central masjid became a space used by the new government to rile the masses especially after Bosnia was annexed in 1908/1326.<sup>550</sup> An example of such can be seen in Istanbul when outside in the Hippodrome of Sultan Ahmet, Mustafa Âsım Efendi, Imam at the Hagia Sophia Camii and elected parliamentarian for Istanbul along with Kozmide Efendi of the Greek community, Haliciyan Efendi of the Armenian community, İshak Efendi of the Jewish community along with İsmail Hakkı Bey a member of the CUP along with major Mahmud Bey, all called for collective boycotting.<sup>551</sup>

The traditional masjid space became the premier space for the ulema outside the Unionists orbit. This was their space, five times a day, every Friday in every

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<sup>549</sup> Georgeon, "Religion, Politics and Society in the Wake of the Young Turk Revolution: The 'Ramadan of Freedom' in Istanbul." pp187-189

<sup>550</sup> Doğan Çetinkaya, *The Young Turks and the Boycott Movement: Nationalism, Protest and the Working Classes in the Formation of Modern Turkey* /, Library of Ottoman Studies ; (London : I.B. Tauris, 2013). p41. Hocaşâde Mehmed Ubeydullah Efendi called on all Ottomans to boycott Austria and Bulgaria.

<sup>551</sup> Çetinkaya, p46.

religious festival. The muezzins just like the church bells, would invite the worshippers to the religious space of worship, but also of forewarnings of danger, invitations and calls for festivities. In 1908/1326, the ulema used the mosque to educate the masses, assert their authority as agents of the call, and defend the constitutional order. There was no doubting that the mosques had provided the ulema a perfect space, unique to their tradition.

## **Elections and Parliament in 1908/1326**

The ‘modern’ political change after the re-instatement of the constitution was the re-opening of the Ottoman parliament. *İstibdat* was now to be circumscribed in the name of *Şura* by a two-tier chamber that would reflect a well-organised institution enacting the provisions in accordance to well-defined rules and procedures.<sup>552</sup> The representative chamber provided an environment for inclusive representation of all peoples of the *devlet*, regardless of religion or ethnicity. The ulema would once again exploit the new spaces the parliamentary chamber provided by increasing their political participation within the new political structure. The broadening of the political apparatus to a wider-political group allowed local provincial actors to become significant to political activities in Istanbul. It was hoped that the parliament would create a political culture of inclusivity to establish efficient governance that would curb authoritarianism. Ideologically it was hoped that by developing a representative chamber it would also consolidate the concept of *Ottomanism* in the political structure echoed in the diversity of the political decision-makers of the *devlet*, in doing so, it was hoped that this would feed into Ottoman civil society.

The parliamentarians are worthy of note, as many of the actors were indeed part of the new intelligentsia class of society, enjoying the educational benefits of the Hamidian period they were able to exploit the new networks that came into existence. It is both testimony of the *Tanzimat* but more markedly the Hamidian period that although many of the intellectuals criticised Hamidian *İstibdat*, nonetheless were also products of the Hamidian educational policies.<sup>553</sup> As well as parliamentarians many undertook additional professions such as journalism or activism and were able to use their multi-political platforms to strengthen their positions in the new political

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<sup>552</sup> Devereux, *The First Ottoman Constitutional Period*. p154.

<sup>553</sup> Fortna, *Imperial Classroom*.

structures that the new spaces provided. The new educated class were able to exploit the new technological transformations and use it to their advantage as the state evolved. Although by 1908/1326 the avenues were many, they were still being monopolised by the few.<sup>554</sup> In many ways 1908/1326 was a period of contestation between the old and new, an amalgamation as traditional actors were elected alongside contemporary actors, as the Hamidian state reflected the ways in which modernity and tradition interacted with one another, sometimes in conflict and sometimes together.

An example of the new class can be seen in the case of the *Talin* journalist and elected parliamentarian of Istanbul Hüseyin Cahid. Another example was the Young Turk intellectual in exile and journalist of the oppositional journal *Mechveret*, Ahmed Riza who became the Deputy Speaker of the parliament. Not restricted to Istanbul Ruhi al-Khalidi the elected parliamentarian of Jerusalem was a historian and journalist, and educated in French, Arabic and Ottoman Turkish. From the Albanian provinces Necib Draga represented the same. These were just a handful of individuals who made their way into the parliament in 1908/1326, but there were many like them. They would all combine their roles by using the press and parliament together to evolve an Ottoman civility in society. This was not simply restricted to an Ottoman educated intellectual; members of the traditionally educated too, such as the ulema reflected the same prospects, as Mustafa Sabri Efendi and Hamdi Yazır Efendi, were members of the ulema, journalists for the *Beyan'ül-Hak* journal, activists and parliamentarians. This was the same of the ulema of the Arab provinces such as Abdulhamid Zahrawi from Hama who was also a journalist and parliamentarian. It was clear that being elected a member of parliament provided this new generation with the types of political voices that could impact change, or in some cases maintain tradition.

But it wasn't simply a new 'Young Turk' generation that came through the new spaces the revolution created, as older statesmen and members of the ulema also found their ways into the novel parliamentary structure. The parliament in many ways revealed *Ottomanism* in the guise of an umbrella of different actors from the three continents of the Ottoman *devlet* that enjoined in the new parliamentary activity. The parliament was a reflection of the hybrid of multiple identities, cultures and traditions the Ottoman political system had to contend with, in many ways the parliament

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<sup>554</sup> Those in the political and educational classes.

represented the hybrid nature of the Ottoman *devlet*. Thus, it must be stressed that the Ottoman parliament of 1908/1326 was indeed a eclectic mix of all the various political actors the *devlet* echoed, with old and new, nomad and newly educated, Turk, Arab and Albanian, Muslim and non, all in the new political structure. It was this intense culture of inclusive Ottomanism that the ulema were functioning in, which the parliament would on the one hand allow them to become deeply engrained in the decision-making processes, but also expose their privileged position to critique in an open public domain. However, whereas the parliament attempted to consolidate the various identities under one political structure in the name of unity, parliamentary politics also created spaces of contestation and created fissures between existing identities. As euphoric as the opening of parliament was in the name of Ottoman unity, it also had divisive repercussions, one which the earlier parliament of 1876/1293 had experienced.<sup>555</sup> The press and the parliament created spaces for freedom of speech and political opinion, which the educated elites and political actors of society exploited, but they also created an environment of hostility never witnessed before in late Ottoman history.

The increased visibility of the ulema during the advent of the revolution, placed the ulema in an advantaged position regarding the parliamentary elections as they would use their moral standing in Muslim society and surviving role within the traditional political structures to continue to become engrained within the transforming political culture of the late Ottoman *devlet*. However, it also left them much exposed to criticism as they came up against a new political class. In this section it will be explained how the importance of the elections and parliamentarianism created a new opportunity, and consolidated older positions of authority. There is no disputing that even among the ulema themselves the parliament was indeed a space where a new generation of ulema contested with members of the ulema who had enjoined patronage from the old political order. The role of the ulema in the new political order did not diminish but rather increased as both new and old actors found ways of exploiting the new structures. The ulema illustrated in parliament that they were not a homogenous block, nonetheless, they did manage to function as a regulatory group in parliament.<sup>556</sup> It is also worth of note that one of the

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<sup>555</sup> Devereux, *The First Ottoman Constitutional Period*.

<sup>556</sup> *Meclis-i Mebusân Zabıt Ceridesi*, 1. Devre, 4. Sene, 36. içtima (II January 1911/1329), p. 776. Quoted from Celal Bayar, *Ben de Yazdım: Milli Mücadeleye Girifi*, 7 vols. (Istanbul: Baha Matbaası, 1967), V, p459.

reasons why the ulema were able to mobilise in the elections and parliament could be based on their involvement in the previous electoral practice and representative governance on a local level which indicates that electoral practice and representative governance were not as novel as some historians have pointed towards,<sup>557</sup> but in fact a culture which many traditionalists were accustomed to, and in particular the ulema were an inherent part of.

## **The Origins of the Parliamentary System in the Nineteenth Century**

Hüseyin Yılmaz discussed that the Ottoman *devlet* had practiced what he deemed an inherent constitutional tradition prior to the discussions by some historians of the Ottomans imitation of European constitutionalism during the reformation from the nineteenth century onwards.<sup>558</sup> It was argued that while the Ottoman polity practiced institutional checks and balances to absolutist Sultanic power, it wasn't until the promulgation of the *Gülhane* decree of 1839/1255 that a transformation towards a 'modern' political structure was initiated. By 1876/1293, the Ottomans had made their first steps of introducing a constitutional system with a two-tier parliamentary format, along the lines of many of the Western European governments. Yet, while Ottoman reflections on Western governance cannot be denied, what also requires some recognition is that Ottoman traditions inherently had mechanisms that catered for the transition towards a constitutional monarchist parliamentary system. Ottoman endeavours into constitutionalism did not simply emerge from a vacuum in 1876/1293.<sup>559</sup> It has been suggested by one British observer that Grand Vizier Mustafa Reşid Pasha had considered the introduction of constitutional governance as early as 1839/1255, only to reject it in the belief that the Ottoman people were not ready for such a venture<sup>560</sup>, a claim made throughout the late Ottoman period by political conservatists including Sultan Abdülhamid II.<sup>561</sup> With this in mind some of the ideas of the constitutionalists such as Hayreddin Pasha or the Young Ottomans

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<sup>557</sup> Berkes, *The Development of Secularism in Turkey*, 1998; Lewis, *The Emergence of Modern Turkey*; Davison, *Reform in the Ottoman Empire, 1856-1876*.

<sup>558</sup> Yılmaz, "Containing Sultanic Authority: Constitutionalism in the Ottoman Empire before Modernity." pp232-233.

<sup>559</sup> Arguments have been made that the Ottoman constitution was simply a reaction to keep the western powers quite and simply an imitation from Midhat inspired by the west.

<sup>560</sup> Devereux, *The First Ottoman Constitutional Period*.p28.

<sup>561</sup> Yasamee, *Ottoman Diplomacy*.p21.



should not come as a surprise nor be seen as alien to the Ottoman polity, but in fact a consideration of intellectual discourse reflecting political realities of the time.

Participation by the people in government or elections was not an unfamiliar concept to the Ottoman experience in the late nineteenth century. As Jun Akiba has noted elections and assembly were not a novelty. During the *Tanzimat* those living in the provinces, had already been participating in local political life based on the principle of representation for forty years prior to the promulgation of the first Ottoman Parliament in March 1877/1294.<sup>562</sup> Local *elayets* later to become *vilayets* (provinces), *sanjaks* (districts), and *kazas* (sub-districts) elected local officials to form local committees/councils. These committees played an intermediary role between government and people. The 1849/1265 regulations for the provincial councils introduced changes where the president and a member of the ulema class would be appointed by central government in addition to the mufti and *kadi*. Each of these councils had at least one member of the ulema in it, with the *sanjak* requiring a mufti, and a *kaza* requiring a mufti and *kadi*. The formations of the representatives lists were usually drawn up by the local *mutassarif* or *imam* and heavy pressure was placed upon them when selecting members and representatives, as they supervised in the neighbourhoods the running of the ballots.<sup>563</sup> This practice would continue during the elections of 1908/1326.

The councils were also regulated by a council of elders (*ihityar meclisi/majlis al-ikhtiyariyya*), one could argue similar to the house of senate.<sup>564</sup> The assumption that most of the political reformation towards the construction of committees was a top down approach during the *Tanzimat* is also misleading as ventures in Baghdad, Damascus and Aleppo indicate councils were formed prior to the execution of the *Tanzimat* edicts.<sup>565</sup> By the 1860's the election procedure by the local councils members under the *Vilayet* Law vested substantial power to the local governments. It was local authorities that would elect members of the councils. It was also common that non-Muslim were in these councils, and in areas where non-Muslims were a

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<sup>562</sup> Jun Akiba, "The Local Councils as the Origin of the Parliamentary System in the Ottoman Empire.," in *In Development of Parliamentarism in the Modern Islamic World*, ed. Sato Tsugitaka (Tokyo: Tokyo Bunko, 2009). pp176-209.

<sup>563</sup> Mahmoud Yazbak, "Elections in the Late Ottoman Palestine," in *Late Ottoman Society: The Intellectual Legacy*, ed. Yuval Ben-Bassat and Eyal Ginio, SOAS/Routledge Studies on the Middle East ; (New York, London : RoutledgeCurzon, 2004)., p35-37.

<sup>564</sup> Akiba, "The Local Councils as the Origin of the Parliamentary System..."p192. Yazbak, "Elections in the Late Ottoman Palestine."p35.

<sup>565</sup> Akiba, "The Local Councils as the Origin of the Parliamentary System...", p175.

majority, non-Muslim assistance was sought. However, it cannot be denied that during the *Tanzimat* period, reform by central government was being introduced to make the processes more inclusive and transparent. This indicated natural local practices supplemented by central government regulations as a natural interaction took place between local and central authority. By December 1875/1292, a new directive was made to provide more independence to the local populace over the power of the local authorities. Its preamble declared that the council members “should not be elected under the government’s influence but by [the Empire’s subjects] themselves”.<sup>566</sup> Whether this was practiced uniformly or practiced at all is hard to say, nonetheless, the principle was there. By 1875/1292 there was an attempt to increase the role of the ulema into the electoral processes and councils, although there was some form of objection to non-Muslim clergymen.<sup>567</sup>

As for the elections it was stressed from the regulation of 1840/1256 that the “most clever, moral, honest, and honourable, and well informed about state administration and local situation” be elected.<sup>568</sup> Although this can be open to interpretation, the stress on common wisdom by those in authority is worth of note. The point of stress is that the Ottomans on a provincial level were practicing elections and council structures regarding political accountability and inclusive decision-making, and the politically competent of the principalities were central to the process. An important development regarding the councils was to place fixed terms so that one couldn’t remain in his post indefinitely, but that he would need to be elected again once his term was over. With already a culture within the legislative of a council called the *Sura-yi Devlet*, and with the practice of local councils, it seems that the Ottoman political tradition of the nineteenth century was already reflecting a basis for parliamentary politics, albeit at a local level. What must be stressed is that this served as a constituent body for the parliamentary elections. As Musa Çadirci had indicated this experience points of local councils preparing the groundwork for the Ottoman parliamentary system.<sup>569</sup> It is thus fair to assume as Jun Akiba has that the Ottoman constitutional effort was a culmination of the interaction of Western constitutional

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<sup>566</sup> In Düstur<sup>1</sup>, 3:174-75, “intihab-ı a’ zaya dair ta’ limat-ı umumiye dir.” Translation into English taken Akiba.p192.

<sup>567</sup> Akiba, “The Local Councils as the Origin of the Parliamentary System...”,p196.

<sup>568</sup> Ibid, p184.

<sup>569</sup> Musa Çadirci, *Tanzimat Döneminde Anadolu Kentleri’nin Sosyal ve Ekonomik Yapıları* (İstanbul: Türk Tarih Kurumu, 1991).

thoughts, restructuring of the non-Muslim millet constitutional practices as well as Şura and council mechanisms within Ottoman political traditions.<sup>570</sup>

When Grand Vizier Midhat Pasha had promulgated the Ottoman Parliament in 1876/1293, although disagreements ensued regarding its hasty implementation and the involvement of non-Muslim participation on governmental affairs, nonetheless, there was general acceptance of the practice of representative politics in principle, including non-Muslim participation as these concepts were reflected at a local level. The ulema too were supportive of the constitutional changes, and it has been argued that Midhat had won over the *softas* who pushed for the deposition of Sultan Abdülaziz in favour of a constitutional system.<sup>571</sup> By 1876/1293 in the first Ottoman Parliament of the 103 parliamentarians 13 were members of the ulema. In the *Meclis-i Ayan* (House of Senate), 4 members of the ulema were chosen by the Sultan, they had also been on the drafting committee of the first Ottoman constitution.<sup>572</sup> In 1908/1326 however, that number increased, there were more seats available thus the upsurge of regular parliamentarians, the ulema numbers also increased in proportionality as 66 members of the ulema became elected members. Whereas the members of the ulema were elected by a committee in the first parliament, in the second the ulema were elected by the voting population. The primary function of the local councils was to serve as some form of mechanism to control government officials both regarding the budget and abuse of power. The Ottoman parliament was to do the same, but this time to the Caliph and Sublime Porte and although it was unable to maintain its weight in its first session, by 1908/1326 it was in full swing with ulema inclusion.

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<sup>570</sup> Akiba, "The Local Councils as the Origin of the Parliamentary System...",p177.

<sup>571</sup> Devereux, *The First Ottoman Constitutional Period*.p32, also Great Britain, House of Commons, *Accounts and Papers*, Vol. LXXXIV (1876). Cmd. 1531. Turkey.No.3 (1876) Correspondence Respecting Affairs of Turkey and the Insurrection in Bosnia and Herzegovina, pp214-15 Also see chapter 2 of this thesis.

<sup>572</sup> They were Ahmed Esad Efendi, Kara Halil Efendi, Ahmed Hilmi Efendi and Emin Efendi all of Kazasker titles.

## The Ulema's Ability to Become Elected - Both New and Old

The ulema were greatly placed to maximise opportunity from the introduction of the new parliamentary order. From 1876/1293 onwards many ulema had argued in favour for the merits of constitutional governance and parliamentarianism against Hamidian *İstibdat*, by suggesting that the new constitutional structure was best suited to the change in fortunes of the *devlet*. In particular, the ulema argued that they had to be part of the new structure, especially as they claimed that the parliament was a council of advice and consultation, and by stressing on *Şura*, the ulema had not only suggested that they had supported the constitutional regime, but needed to be a part of it. But how many members of the ulema were to be elected depended on their local conditions. The formation of the *Cemiyet*, had turned the ulema into an organised group in Istanbul, as they used their *ilmiyye* networks in the Balkans, Istanbul and Anatolia. The *Cemiyet* had managed to progress with key personnel in the parliament. In this way along with their journal mouthpiece the *Beyan'ül-Hak* <sup>573</sup>, the *Cemiyet* had managed to some degree function as a political block by way of election, and although many members were elected on the CUP ticket it seems that their election was able to apply pressure on the CUP, which would lead to a fissure after the counter revolutionary events.<sup>574</sup> In the *Meclis-i Ayan* two members of the ulema were recommended. The Sultan usually chose these posts –although it seems they were elected on recommendation of the CUP - and were for life. It is unclear why the *ālim* Mûsa Kâzım and *ālim* Manastırlı Hakkı Efendi were chosen apart from speculating that they were seen as supporters of the Unionists agenda. In the Arab provinces and the more conservative regions of the *devlet*, ulema were elected due to their standing in the locality. Voting patterns continued to function in the manner local councils had been established during the nineteenth century. Being part of the municipal council opened doors to other governmental institutions in the locality.<sup>575</sup> In many of the provinces, members of the ulema rather than being directly elected formed local relationships where they placed their support for religious notables or landowning

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<sup>573</sup> It doesn't seem however that the *Beyan'ül-Hak* was used to support the *Cemiyetis* electoral campaigns as many had run as independents. But there is no doubting that active members of the *Cemiyet* who were regular writers in the *Beyan'ül-Hak*, such as Mustafa Sabri, Hamdi Yazır and Ömer Fezvi were representing *Cemiyet* interests in the parliament.

<sup>574</sup> See chapter 6

<sup>575</sup> Yazbak, "Elections in the Late Ottoman Palestine."p37

families.<sup>576</sup> In this way the ulema either were directly elected due to their privileged position in the municipal committees, established roles in the *ilmiye* structures or being part of new organisations such as the *Cemiyet*, or by joining forces with interest groups such as Muslim notable families to forward their agendas. Where as the CUP tried to influence who was elected and who wasn't, in reality on the ground the ulema functioned outside the CUP's orbit and the electoral process was an example of this.

## The Elections

Rather than going into detail how each *ālim* was elected, and the contestations that took place within the electoral process, what is worth of note is that the ulema were elected as an authority of trust. To become an elected parliamentarian one needed to be above the age of thirty, of good character, an Ottoman citizen and hold a position either in a state institution or own land. In that sense this shows how the ulema were continuing to benefit from the conditions of the late Ottoman period.

After the promulgation of the constitution, there were a series of incidents that continued to place the ulema in the public eye, and created much difficulty for the CUP to consolidate their authority in government and locality. No sooner had the CUP declared the festivities for the constitution, they faced a diplomatic crisis regarding the annexation of Bosnia and Herzegovina by Austria, and the independence of Bulgaria. The ulema went to the streets in many of the provinces to encourage the boycott of Austrian goods. The annexation of Bosnia was far more troublesome for Muslim sensitivities than Bulgarian independence; even though politically the CUP had more cause for concern from the Bulgarian issue. During the month of Ramazan, the first murmurings of oppositional activity reared its head in Istanbul where a hoca named K r Ali, urged a congregation to reject the constitution and the new parliamentary regime. A Sheikh by the name of K r Ali, spoke against liberty and equality as negative sentiment towards the * eyh lisl m* Cemaleddin Efendi became vocalised for the first time since the revolution.<sup>577</sup> The K r Ali protestation had similarities with the Kuleli incident during the *Tanzimat* period, on

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<sup>576</sup> Yazbak, "Elections in the Late Ottoman Palestine."p37

<sup>577</sup> 1909 [Cd. 4529] Correspondence respecting the Constitutional Movement in Turkey, 1908. 1909: No. 1 (Turkey: Constitutional Movement: Numbered Papers) *Sir Gerard Lowther to Sir Edward Grey*, Therapia, October 9, 1908,.See also, Annual Report of Turkey for the Year 1908, British Ambassador, BD, V, 289.

both occasions the government suggested a coup was being plotted by religious fanatical leaders and the government on both occasions took strong action, as the CUP also swiftly dealt with Kör Ali and hanged him, but the first signs of discontent were becoming visible. The CUP were still struggling to grasp the reigns of government and much of their electoral activities were limited to the campaigns restricted to the press. The use of the press indeed did have its advantages but older networks were a lot more effective for the electoral process in many of the provinces of the *devlet*. The CUP were failing to sustain the euphoria and support due to the waning of revolutionary appeal and its failure to take charge of government despite their apparent strength in government.<sup>578</sup> In actuality the CUP were still unable to take the reins of government and had hoped that they could do this via the parliament. The ulema unlike the CUP were not an organised group and didn't function as a modern institution, so they used their traditional networks, added to that their increased visibility during the revolutionary upheaval and boycotts, as well as the arrival of the month of Ramazan which created and transferred their visible local authority into electoral importance, which would become parliamentary influence.

In Istanbul and the Balkans, the CUP were at their strongest, becoming elected as agents of the Revolution. An alternate party called The *Ahrar fırkası* (The Liberation Party) led by Prince Sebahattin were not as organised as the CUP and made very little impact upon the elections, especially as people could not make distinction between the two organisations. The ulema too, did not endorse themselves as a block, nor used the newspaper platforms in 1908/1326 to forward their electoral agenda. Members from the *Cemiyet* were elected but either as CUP members or independents. The ulema appealed to their moral authority and religious authority within the Muslim community. The elections were not contested elections regarding a political program or between parties. In that sense the Ottoman elections of 1908/1326 were unlike any European elections. Communal politics did not translate into party politics in 1908/1326; local prestige and governmental endorsement were far more important considerations for the voters than any party program. The task of the elections was complicated due to the speed in which the elections and results were to be attained to open parliament. There was indeed confusion of how deputies were to be elected, and elections were not held across the *devlet* at the same time with

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<sup>578</sup> Hasan Kayalı, "Elections and the Electoral Process in the Ottoman Empire, 1896-1919," *International Journal of Middle East Studies* 27 (1995).p272.

some regions voting months apart from one another as elections ran from August through to December. The central government stressed to the local provincial authorities to make haste in the election making process to meet the deadline of opening parliament by mid November.<sup>579</sup> The municipal councils became central to the electoral process, as the *mutasarrif* and ulema as well as other religious dignitaries prepared the ballot stations and regulated the votes and voters. The problems were not simply restricted to the provinces, even in Istanbul there were great difficulties as there was no census, statistics or trustworthy data, men didn't even have surnames. Much of the elections were done on trust.<sup>580</sup> Although the CUP guided the conduct of the elections, it was not possible without the help of religious authorities and Islamic symbolism.<sup>581</sup> Some of the Muslim public were still sceptical of the elections, as the elections indicated a populace that was still wary of the CUP and their revolutionary aspirations. As a result the CUP sent emissaries, including ulema to the various provinces to talk to the populace to not simply vote, but to vote in favour of the CUP. This thus suggested that the elections of 1908/1326 were not heavily contested in all the regions, many agents simply functioned together to get the process up and running, this would change by 1912/1330 however, when the CUP would first taste bitter defeat in the Municipality elections of 1911/1329, and then face organised oppositional parties such as the *Ahrar fırkası* and the new party established by Mustafa Sabri known as the *Hürriyet ve itilâf fırkası* ( Freedom and Alliance Party).

It cannot be doubted that in 1908/1326 the CUP had still managed to get many of their members elected into the parliament. But evaluating a membership count to political authority was slightly misleading as many elected members had simply placed their name in the ballot of the CUP as that was the only option, and many didn't see representing the CUP as a contradiction to their own principles. The ulema were voted in virtually every major province of the *devlet* including Istanbul. In Istanbul that elections were surrounded by great fanfare. The election took place at the Port and Telegram Administration which was decorated with carpets and flags for the occasion. The voting took place in presence of Ziver Bey the Prefect of the city, the members of the committee for controlling the election and representatives of the *Şeyhülislâm* and the Chiefs of all the religious communities. When the ballot box was

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<sup>579</sup> Le Moniteur Oriental (LMO), July 27, 1908.

<sup>580</sup> Swenson, *The Young Turk Revolution*.p197-199.

<sup>581</sup> Ibid.p199.

closed it was done in the presence of the representative of the *Şeyhülislâm* and the ulema, Osman Cavit Efendi. He offered up prayers and delivered a speech saying that there was a difference between the elections in the Ottoman *devlet* and Western Europe which often gave rise to violent conflicts whereas in the Ottoman *devlet* they were carried out in good order. Muslims and non-Muslims continued to demonstrate that they fully understood their political role and were able to carry out their duties.<sup>582</sup>



**Figure 4: Picture of the Ottoman Ballot of the first Elections in Istanbul. Picture taken from the front cover of Feroz Ahmad, *The Young Turks and the Ottoman Nationalities***

Most of the ulema elected in the elections of 1908/1326 were members from the CUP including Mustafa Âsım<sup>583</sup>, a member of the *Cemiyet* who had received the second highest votes in the list of members elected in Istanbul, out numbering CUP members Ahmed Rıza, Kirkor Zohrab and Hüseyin Cahid, with Hüseyin Cahid only just scrapping through.<sup>584</sup> Cahid had attempted to convince many of the Muslims of Istanbul that they needed to vote in the elections, as the non-Muslims according to

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<sup>582</sup> Swenson, *The Young Turk Revolution*. p200.

<sup>583</sup> Haradjazade Assim Bey in *The Levant Herald and Eastern Express*, date? 1908.

<sup>584</sup> List of votes received by deputies in Istanbul, Manyasîzade Reik Bey 503, Mustafa Âsım Efendi 475, Ahmet Rıza 427, Vitali Faraggi Efendi 461, Bedros Hallajian Efendi 455, Ahmet Nesim Bey 425, Kikor Zohrab 392, Constatine Constantinidi 362, Hüseyin Cahit Bey 354, Cozmedi Efendi 340, taken from Swenson, *The Young Turk Revolution*.p229.



him were far better organised.<sup>585</sup> Indeed the Muslims did vote but not for Cahid but other candidates. Cahid was not a popular candidate and was even criticised in the Armenian press by Hovhannes Asbedini.<sup>586</sup>

If anything it reflected that the ulema candidate that was elected had either taken much support from the mass Muslim voting public, or due to the large presence of the ulema in the imperial capital. Hamdi Yazır, Mustafa Sabri, Ömer Fezvi were just some of the other ulema members of the *Cemiyet* who resided in Istanbul but where elected in absence in Tokat, Antalya and Bursa respectively. In Tokat Mustafa Sabri was elected with the support of the Armenians who voted together with the local Muslims.<sup>587</sup> Bursa being a religiously conservative area voted in three other members of the ulema Hoca Hafız Ahmed Efendi, Ömer Lutfi Efendi and Abdulvehab Ömer Efendi. The Mufti of Sinop Hassan Fehmi collected his votes as the people of Sinop, Gerze and Ayancik voted as a block. In Konya the ulema easily won their seats as Müftizade Hoca Salim Efendi, Hoca Mehmed Vehbi [Celik], Hacı Şeyhzade Zeynelabiddin Efendi and Kürdzade Hacı Mustafa Efendi were elected by a conservative Muslim population. In Anakara Hacı Mustafa a CUP *ālim* was elected, and Mehmed Emin Efendi the Müfti of Trabzon easily won his seat.<sup>588</sup> In the Arab provinces there were orchestrated celebrations in Palestinian territories whereas in the Syrian provinces there was somewhat quite. In Hama Abdulhamid Zahrawi was elected as a member of the CUP and in Gazza the Mufti of Gazza in his sixties Hafız al-Said was elected on a conservative ticket. Sheikh Ahmed Khammash was elected as another conservative sheikh due to a political deadlock between principle candidates in Nablus and Sheikh Asa'd Shuqayri in Akka.<sup>589</sup> In the case of Jerusalem the large Muslim majorities voted Ruhi al-Khalidi, although not a member of the ulema by profession, nonetheless was part of a religious family of scholars, of which his brother Rageb al-Khalidi, an *ālim* would open the first library in Jerusalem. If the ulema were not directly elected, they made sure they had Muslim representatives, that catered for their interests. Ruhi al-Khalidi was well aware of the Muslim sensitivities in the environment he lived and worked in. Ruhi would usually time his visits to take

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<sup>585</sup> *Tanin*, September 27, 1908/1326.

<sup>586</sup> Der Matossian, *Shattered Dreams of Revolution*.p110.

<sup>587</sup> Der Matossian, *Shattered Dreams of Revolution*, p110. All three candidates were not residents of Tokat with Mustafa Sabri living in Istanbul, Hattatzâde İsmail Pasha also living in Istanbul and Bunjukian Hagop residing in Bulgaria

<sup>588</sup> Kansu, *The Revolution of 1908 in Turkey*. pp193-197.

<sup>589</sup> Khalid M. al-Barazi, "The Majlis Mebusan (Meclis-i Mebusan) The Ottoman Parliament (1908-1912)" (University of London, School of Oriental and African Studies, 2002).

place on Fridays, he started his tours in the towns and central mosques where he participated and met with as many people as possible and then usually went to the local notable and *ālim* 's house.<sup>590</sup>

The elections indicated firstly the diverse nature of the Ottoman *devlet* and ulema, secondly that many individuals were being elected on religious grounds, as can also be seen in the Hijaz and what is now known as Libya.<sup>591</sup> More importantly that ulema and religious elites and families were working together. The electoral processes represented less of a contestation between Muslim notable and *ālim* but rather a collective effort was made. In the Arab provinces in particular people were voted from three groups, the landowner families, the ulema or families that had some government relationship. The press had provided the new generation with a platform to put their candidacy forward, however in the regions where local allegiances and patronage was still strong, traditional actors used their local networks to become elected. The elections preserved and re-inforced these patronage relationships. Many voters placed their vote in the ballot on trust, and on the process for both Muslim and non-Muslims centred on ecclesial representations on behalf of their religious communities, the ulema were in an influential position.

The Ottoman domains were still a religious one and when the members of the parliament were elected it was suggested in the Arab provinces that it was to serve the public good (*al-masalaha al-amma*) and providing a holy service to the *umma* and beloved homeland (*khidma muqaddasa lil-umma wal-watan al-aziz*).<sup>592</sup> These terms were entrenched in Islamic symbolism and whether the ulema were a powerful group or not they would certainly work as a pressure group within parliament. When the elections had been completed in 1908/1326, 281 members from all of the Ottoman provinces were elected.<sup>593</sup> The ulema totalled approximately as 66 members in parliament. They were a sizeable block, whose presence was evident.

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<sup>590</sup> Yazbak, "Elections in the Late Ottoman Palestine."p37.

<sup>591</sup> Rachel Simon, *Libya between Ottomanism and Nationalism : The Ottoman Involvement in Libya during the War with Italy (1911-1919)*, Islamkundliche Untersuchungen ; (Berlin : Klaus Schwarz, 1987).pp41-43 For the Hijaz see Hasan Kayali, *Arabs and Young Turks : Ottomanism, Arabism, and Islamism in the Ottoman Empire, 1908-1918* (Berkeley : University of California Press, 1997).

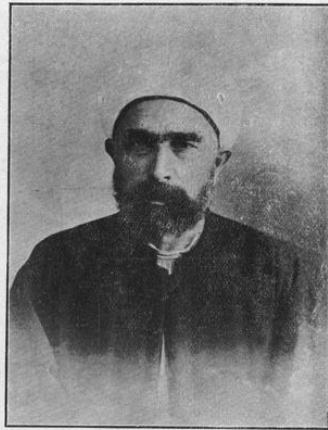
<sup>592</sup> Campos, *Ottoman Brothers*. p50.

<sup>593</sup> 151 Turks, 56 Arab, 25 Albanians, 22 Greeks, 10 Armenians, 5 Kurds, 4 Bulgarians, 4 Jews, 3 Serbs and 1 Vlach. 240 Muslims were elected over 41 non-Muslims.

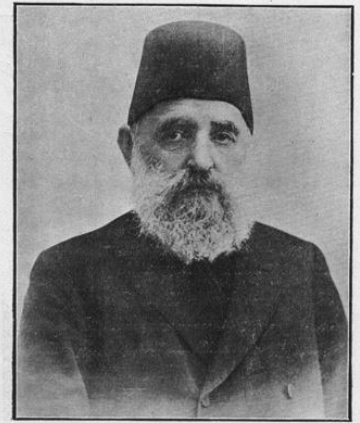
## تفکیر و تفتیش

سلطنت اقتصادی

مجادله حیات قانون عمومی بودن  
افعال بشریه سادسند بر قوت و قدرت  
تملکاتی، فرد اجنای ایچون ساواغزاده،  
جمعیتر ایچونده بر فرد ممنوی حکمنده  
اولان ستر جمیاته تقوی و احراز غلبه  
آرزوسی تولید و ایجاد بیدریک طبیعی  
حسن تقوی ایسه ماده و فعله تاملی و اظهار  
سلطنت شکندس اظهار ایدر . قاموسک  
«بر کیمسه نوزده ربه حله ایتمک، صدیرانی،  
قادر ایوب اغوز قرايه مک، طغان و استیلاء»  
کلمه لایله تعریف ایندیکی سلطنت شیده بی  
قدرت بالکتر شکل مادیسنه، بطش و شدتک،  
جبر و قهرک ماده مشاهد اولان طرز  
زبونکشانه سنک (\*) آثار و نظایرانته  
حصر ایدیلشدی. و آتک ایچوندرک سلطنت  
ده نیلچسده خاطرده بالکتر معیوب و مغرب  
ککولایرینک عداای خشیث آوری ایله  
«سلطنت بریه» و «سلطنت بحریه» کایر.  
حالیوک جمعیترک استعمال ایندیکی وسائط  
بطش و شدت بالکتر قوت حریبه منحصر  
دکادر . اکتساب ایندیکی قوت و نفوذ،  
غایب اولان تقوی، صرف آلات حرب  
و وفا ایله حاصل اولساز؛ بلکه اوله بر  
طایف و سائط معنوی بطش و شدت، اوله  
آلات غیرمادی تقوییه مالک بیدریک بونظرله  
نتیجه ده وسائط غریبه ماده دن فضا نتایج  
تقوییه ماده استحصال و تأمین ایدر .  
ذاتاً فرد ایچونده مال بویه دکادر؟  
بر فرد قوت ماده و عقلیه سنک باشقارماک  
اولدیکی قوت عقلیه، قوت ذکا، قوی  
روحیه سایه سنده رگرجه مایلیو نرجه  
مثل قوی ماده نسنده نتایج و نایله  
جسترس اولیور . . . بونک کبی جمعیترک  
دولتیرک قوت بحریه و حریه لریک پای  
باشنه علاوه ایندیکری بر طایف قوتیر ایله  
اظهار ایدمچکری آثار سلطنت اشکال مختلفه  
اخذ ایدر: سلطنت علیه، سلطنت تکریم،  
سلطنت اخلاقیه، سلطنت اقتصادی و الخ . .  
مبادیده بشریت کنفیدسی و احاطه ایدن  
قوی طبیعییه مک مغلوب و بوی اولماق ایچون  
بالکتر سلطنت مادییه، مفتقر ایدی. و قوی  
مادییه شبه سزک ایلمک بشریتک، احتیاجی  
تسویه کفایت ایدر ایدی؛ فقط بو  
عاجز بشریت قوی طبیعییه قارشی کیریشدیکی  
ملحجه مجبوره ده اکتساب ایندیکی هر ظرفیه  
(\*) ارائه سلطنت و استعصا، جبر و قدرت،  
هریک شکندس و کیمیک حقنده اولورسه اولسون.  
فلسفه نقلیه نلرین زبونکشاکدن باشقا بر شی  
اولاز . اعتبارات و موضوعات اجنایه طرز  
استعمال قدرت و سلطنتی تحریف ایله زبونکشاکده  
بر طایف شرائط دائره سنده وقوعه کلن تجاوز و  
تعدییه حصر ایدمسه دهه حقیقت حاکمه و نتیجه  
اعتباریه هر قهر و شدت و استعمال جبر و  
قدرت بر زبونکشاکده، بر شعیق ازیمه منجر  
اولور . . .



شیخ الاسلام موسی قاسم افندی



صدر اعظم سعید ریسا



خلیمه نازی حاسم بک



عمر نازی و شرای دولت رسی حسین بک



هربد نازی محمد سوکت ریسا



داود نازی محمد بک

ملتی وضعیت مشکله در قورتارمغه چالیشاجق فکرل

Figure 5: Members of Parliament. Taken from Atatürk Library

## The Parliament Opens

On December the 10<sup>th</sup> the Ottoman Parliament re-opened with much celebration. The orchestrated festivities were a common feature in 1908/1326. There wasn't a single time where people were not on the streets.<sup>594</sup> The ulema had become elected in the Ottoman Parliament, the reasons varied, but their visibility was apparent. A simple reading of the parliament would lend the support towards a CUP landslide, however the reality was much more complex than that. Likewise the ulema were also representatives of their local constituencies but soon the politics of Istanbul became part of the life of the ulema parliamentarians. The historiography has suggested that the ulema were tepid in their roles as parliamentarians, based in two camps: reformists and traditionalist, but in reality the activities in parliament by the ulema were far more complicated, as people sometimes acted on loyalty, sometimes on ideology and sometimes on personal interest. However, it cannot be denied, that many members of the Ottoman Parliament, both ulema and non, both Muslim and non, took their responsibilities seriously.

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<sup>594</sup> Revolutionary celebrations, elections, boycotts, strikes, the opening of the Hijaz railway and a national holiday of the opening of parliament all took place in the space of 6 months and kept the people and the ulema on the streets. From July 24 up until the opening of parliament the streets of the major cities continued to have reason for the public to display public emotion.



Figure 6: First Meclis-i Mebusan. Taken From Atatürk Library



Figure 7: Ottoman Deputies at Yildiz Kiosk. Taken from Atatürk Library

The assumption that the ulema simply interacted in matters to do with religion was not the case. The ulema had become fully committed to the practice of consultation and council on all matters when they saw fit. But while the ulema were now engaging in parliamentary activity there were also concerns that the ulema's privileged position in society would also become criticised in parliament. This had already started to take place in the Ottoman press, where the open press campaign at times created undesirable environments.<sup>595</sup> In the parliament an example was on March 13th 1909/Safar 21, 1327 where the Chamber of Deputies subjected Hasan Lutfi Efendi, acting for the *Şeyhülislâm*, to a gruelling interpellation. The *Şeyhülislâm*, Ziyâeddin Efendi who had only just taken the role was said to be vigorously criticised for allowing corruption in the provincial religious courts and for permitting irregularities in the appointments of religious judges (*naibs*) in the Sharia courts. The previous *Şeyhülislâm* Cemaleddin Efendi was also attacked for following corrupt procedures in making appointments. Nonetheless, the Chamber passed a vote of confidence in Ziyâeddin Efendi, the *Şeyhülislâm* on the condition that he accomplish the required reforms.<sup>596</sup> Two days later on March 15<sup>th</sup> / Safar 23<sup>rd</sup> the deputies again subjugated the religious hierarchy to pointed criticism regarding a bill dealing with complaints about the Evkaf Ministry. The bill proposed that the Evkaf Ministry be abolished and a commission under the *Şeyhülislâm* undertake responsibility.<sup>597</sup> This was a period where the *Şeyhülislâm* was not absolved from criticism as the ulema too made such gestures.<sup>598</sup> However, this was an unprecedented moment in which the office of *Şeyhülislâm* was to be subjugated to such vigorous public criticism.<sup>599</sup> To also suggest that the *Meşihat* permitted corruption was also an embarrassing state of affairs to be presented to a chamber of so-called secularists and non-Muslims. But in reality this was the very culture that many of the ulema themselves had demanded, and if the ulema were to critique positions outside their professional jurisdiction, the same was to happen to them.

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<sup>595</sup> Der Matossian, *Shattered Dreams of Revolution*.

<sup>596</sup> LMO, March 15, 1909.

<sup>597</sup> LMO, March 16, 1909.

<sup>598</sup> Küçük Hamdi, BH, *İslâmiyet ve hilafet ve meşihat-ı İslâmiye* , March 1, 1909.

<sup>599</sup> It was said that even Sultan Abdulhamid II was shocked. He told Ali Cevat: "They have brought the *Şeyhülislam* to the Chamber for questions and answers and this is not a good thing. The *Şeyhülislam*'s position deserves respect. It ought not to be toyed with. They can force the *Şeyhülislam* to appear, but suppose they called the Patriarchs and they refused to come. Wouldn't that be shameful" in Swenson, *The Young Turk Revolution*. p330. Taken from Unal Fezlekesi, p43.

The ideological backing for this argument was given by Hamdi Yazır who provided the idea of explaining what the role of the *Şeyhülislâm* was. He argued that the *Şeyhülislâm* cannot be the representative or *vekil* with the Caliph and has no attachment to spirituality. That is why the *Şeyhülislâm* cannot be a part of the cabinet. This is an important issue as the draft constitution which was supposed to have been written by Hamdi Yazır stated that the *Şeyhülislâm* should be a part of the cabinet. The *Şeyhülislâm* cannot be considered leaders of spirituality and his respect is taken from their *ilm* and education. The *Şeyhülislâm* can be held accountable and people [cabinet] is obliged to do that and in the eyes of Islam. The ulema have the biggest responsibility, so the *Şeyhülislâm* being called to the *Meclis* (Parliament) is not in contradiction with Islam.<sup>600</sup>

Hamdi Yazır went one step further that surely would have concerned the Sultan and pleased the CUP. He continued that according to the Sharia even the Caliph is subservient to the ‘will of the nation’. A representative of the Caliph such as a *Şeyhülislâm* or minister who only has relative authority (cannot act as if he has authority) as he is only a *memur* (civil servant) not an *amir* (leader). If he (*Şeyhülislâm* or minister) is a person worthy of his position he will be respected both for his position and personality. But if not worthy for his position, he will only be respected for his personality.<sup>601</sup> He also addressed the issue of non-Muslims in parliament by saying the Caliph can hire various *vakils* both Muslim and non-Muslims.<sup>602</sup>

## The Mecelle and the Constitution

Between 1908/1326 and the Counter-revolution there were two matters in parliament in which the ulema became central. They were the discussion on an initiative to expand the Mecelle (Ottoman Civil Code) and constitutional amendment. Both these topics are of importance as not only were they in the jurisdiction of the ulema but the two topic matters became intertwined with the debates surrounding the Counter-revolution of 1909/1327 in which the extension of the Mecelle and the application of the constitution to more Islamic lines were demanded within the slogan “*Şeriat*

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<sup>600</sup> Kara, *İslâmcıların Siyasî Görüşleri*.

<sup>601</sup> Ibid.

<sup>602</sup> Ibid.

isteriz” (We want the Shariah).<sup>603</sup> While the blame regarding the Counter-revolution and the slogan has been levelled at the conservative organisation the *İttihad-ı Muhammedi* (Muhammadan Union), on closer inspection the slogan was a deeply contested idea among other segments of the ulema which suggests that the essence of the demand was more complex than simply aiming reactionary proclivities either at the Muhammadan Union or ‘traditionalist’ ulema,<sup>604</sup>

There was debate said to be initiated by Mustafa Sabri to launch a legislative initiative to restart work on expanding the Mecelle.<sup>605</sup> The Mecelle was presented as a law code that emanated from Hanafi jurisprudential practices on civil matters, but the Mecelle commission was abandoned during the Hamidian period and so it was discussed that a new commission be opened.<sup>606</sup> On February 24<sup>th</sup> a proposal supported by one-third of the deputies in the Chamber was brought to the floor by Ajlinizade Muhammad Efendi from Damascus. The motion was to address the Sharia courts and the Mecelle and called for the creation of a unified code. It was then sent to the *ilmiye* and the justice committees for deliberation.<sup>607</sup> Whether the whole process was initiated by Mustafa Sabri or not, on March 22<sup>nd</sup> nonetheless a proposal was introduced to create a new Mecelle committee. The parliament approved such a request. Ibrahim Ferit Bey suggested that the Ottoman law should be combined with *Fiqh*.<sup>608</sup> The Chamber once again approved such a motion, and the President of the Chamber sent the subject to the constitutional committee.<sup>609</sup> The *Cemiyet* also made calls for the Mecelle project in their journal the *Beyan’ül-Hak* and the discussion also found their way into the *Volkan* press. The *Volkan* published articles on the relationship between the Sharia and legislation and on March the 4<sup>th</sup> the *Volkan* had already argued that there should be a concentration in efforts to draw up a Sharia based criminal code similar to the likes of the Mecelle.<sup>610</sup> Halit Sabit Efendi asked for the issue to be delayed as it required the need of more qualified ulema. Parliament

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<sup>603</sup> *Volkan*, “Şeriat isteriz” March 6, 1909, *BH* “Şeriat isteriz” March 8, 1909.

<sup>604</sup> Bein, *Ottoman Ulema, Turkish Republic*. p81.

<sup>605</sup> Bein.p38-39 Bein argues without consulting the Unionist leadership in parliament, Mustafa Sabri and like-minded ulema members of parliament prepared a draft bill that called for the establishment of a committee of scholars to prepare new sectors of the code under the auspices of the *Şeyhülislâm*.

<sup>606</sup> See Carter V. Findley, “Medjelle,” in EI<sup>2</sup>. Ayoub, “The Mecelle, Sharia, and the Ottoman State: Fashioning and Refashioning of Islamic Law in the Nineteenth and Twentieth Centuries.”

<sup>607</sup> Gunasti, “The Late Ottoman Ulema’s Constitutionalism.”p99.

<sup>608</sup> Ibid.

<sup>609</sup> Ibid, pp99-101.

<sup>610</sup> *Volkan*, “İttihad-ı Muhammedi Cemiyeti Nizamnamesi,” 16 March 1909. See also in Tunaya, *Türkiye de Siyasal Partiler, 1 İkinci Meşrutiyet Donemi, 1908-1918*. p271.



had endorsed the bill with a majority in both February and March in 1909/1327 and works towards its realisation were to take place in the office of the *Şeyhülislâm*. While the delaying of the activities were seen as an attempt by the ‘secular’ within the CUP to stall the Mecelle initiative proposed by the ulema, on closer inspection the position of Halit Sabit Efendi deserves some attention. Hamdi Yazır had also suggested in that period that the proposals required specialists from the local schools of jurisprudence gathered from everyone.<sup>611</sup> Hamdi Yazır was a member of the *Cemiyet* and close ally of Sabri, thus it seems more plausible that rather than viewing the stalling of the bill as an indication of the first antagonism between the CUP and Sabri, that in fact this matter indeed required much expertise of which the *Cemiyet* and ulema also recognised. It also points to the matter that Hamdi Yazır was indeed also requesting a comprehensive *devlet* wide review similar to the first Mecelle process in which an ulema consensus could be attained. Susan Gunasti was correct in mentioning that the mention of *fiqh* in parliament served to raise the issue of legal reform and it continued to be presented in parliamentary motions.<sup>612</sup>

The second point between 1908/1326 and the Counter-revolution of March 31<sup>st</sup> 1909/1327 was the need to amend the constitution. It was highly accepted that the constitution of 1876/1293 was no longer fit to fulfil the new conditions of 1908/1326. As a result the issue of the constitution became a matter of urgency. Albert Vitali Efendi who was a non-Muslim submitted a proposal to amend the constitution of which he also included article 7 which dealt with the prerogatives of the Sultan. The proposal was sent to a committee of 30 members of which 6 were known members of the ulema. It is true that in the drafting committee in 1876/1293 the number of ulema were greater in number than in 1908/1326 and that key members of the committee in 1876/1293 were of Kazasker standing at the time. However, the members of the ulema of 1908/1326 were of some standing and understood the complexities of Islamic constitutional discourse. The fact that many of them were members of the *Cemiyet* and wrote extensively on constitutional discourse should not be ignored. During this moment also the members of the *Cemiyet*, such as Mustafa Sabri, Hamdi Yazır and Mustafa Âsım Efendi also were nominally members of the CUP at the time. In the thirty man committee Gunasti argued that ‘the ulema became brothers of

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<sup>611</sup> Küçük Hamdi, *BH, İslâmiyet ve hilafet ve meşihat-ı İslâmiye* , March 1, 1909.

<sup>612</sup> Gunasti, “The Late Ottoman Ulema’s Constitutionalism.” p100.

choice' between the differencing factions, playing a pivotal role in the process.<sup>613</sup> It was argued by one Turkish scholar that the role of the ulema in the parliament enhanced their political profile.<sup>614</sup>

No sooner were the ulema deliberating on the constitution, did the Counter-revolution expedite the matter. After the Counter-revolution, it became of even greater urgency to address the issues of the constitution, as a vote in parliament was made to depose the Sultan. When the Sultan was deposed it was the first time that political legitimacy was used in conjunction with a constitutional principle. As a result due to the nature and demand of the constitution to be in line with the Sharia and the removal of the Sultan, the constitutional committee intensified its effort to make the constitution more in line with Islamic principles. The ulema's role in parliament was not simply of bowing to the CUP but in fact the ulema became central during this formative moment.

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<sup>613</sup> Gunasti,p98.

<sup>614</sup> Sina Akşin, *Şeriatçi Bir Ayaklanma: 31 Mart Olayı*, 3rd ed. (Ankara: Image Kitabevi, 1994). pp242-247.

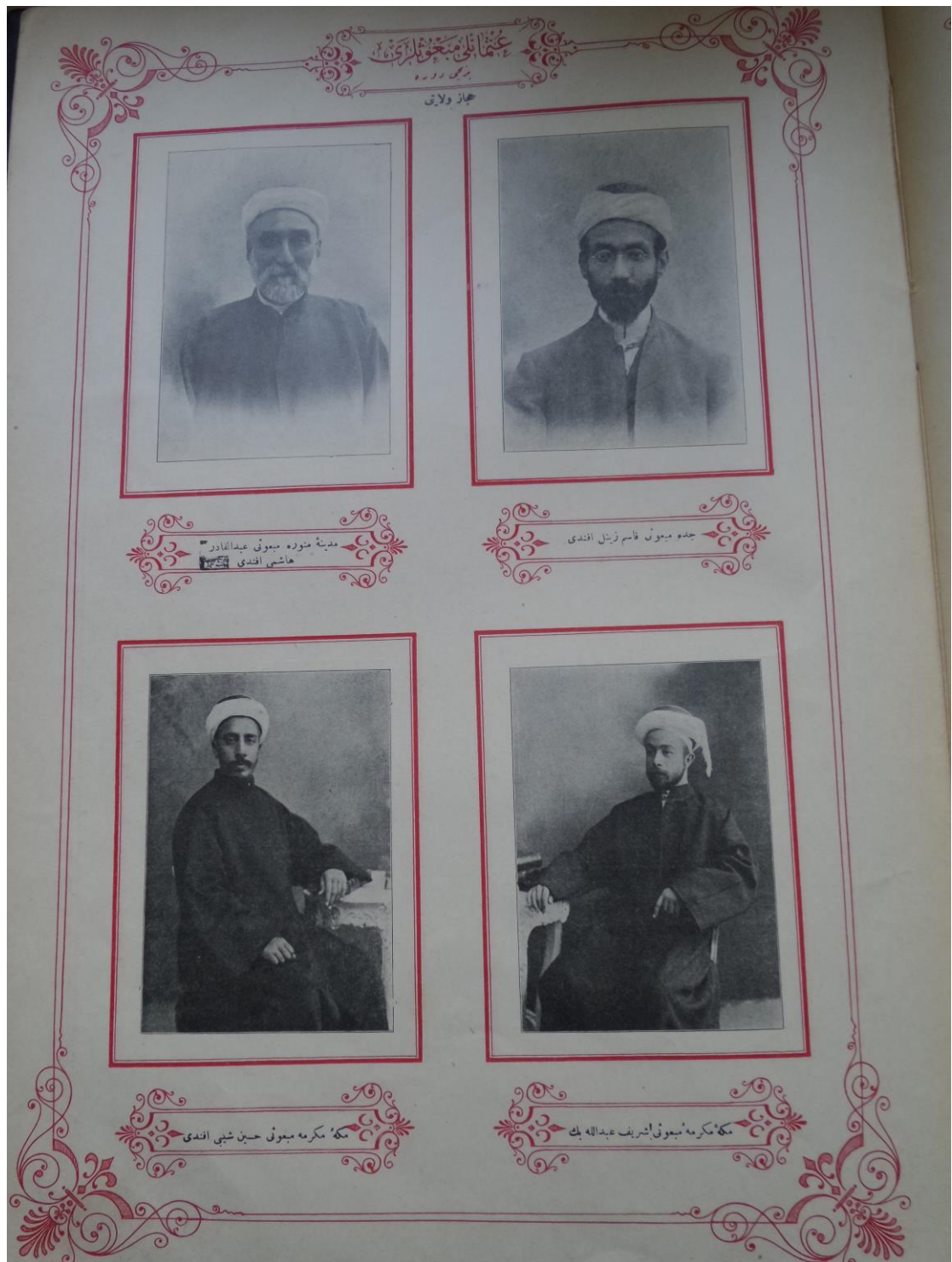


Figure 8: Ottoman Ulema Parliamentarians in 1908/1326. Taken from the IRICA Library

## Chapter 5 – The Counter-revolution

In this chapter what shall be examined are the activities of the ulema in Istanbul regarding what is popularly known in English as the ‘Counter-revolution’ of April 1909/1327 also known in Turkish scholarship as the 31<sup>st</sup> March incident.<sup>615</sup> It shall also examine the subsequent consequences regarding the Counter-revolution with the dethronement of Sultan Abdulhamid II and the constitutional amendments in 1909/1327. The Constitutional Revolution was a culmination of a prolonged oppositional intellectual campaign by the Young Turks and oppositional ulema in exile as well as dissident activity in various parts of the Ottoman provinces, reaching its apex in the guise of a revolutionary movement from the Macedonian provinces in the summer of 1908/1326. The reactionary ‘Counter-revolution’ however, didn’t seem to reflect an ideological movement in the same vein that the revolutionaries of 1908/1326 presented to the Hamidian regime, the reactionary movement also was neither initiated in the provinces nor abroad but emerged from the discontent felt in Istanbul which then facilitated an outbreak of reactionary activity in some of the other provinces. Thus, the Counter-revolution was not a culmination of prolonged intellectual oppositional activity – in this case in opposition to the new CUP government, but rather a sporadic emotional reaction to the haphazard policies of the CUP leadership. I would argue that the Counter-revolution was the result of inconsistent government policies added by the toxic atmosphere facilitated by the newly recognised freedom of press on the back of a sensitive populace still emotional from the events of 1908/1326. Thus, the Revolution of 1908/1326 and Counter-revolution have been shown to share very little, both in form and ideology.

The ulema’s significance during the Counter-revolution is based on the idea that earlier historians had categorised the incident as an ‘Islamic reaction’ to the ‘liberal’ Constitutional Revolution of 1908/1326, thus placing the Counter-revolution within the ulema’s remit. Much of the historiographical focus had been based on the rhetorical Islamic slogan of ‘*Şeriat isteriz*’ (We want the Shariah) as the proof of the religious nature of the revolt. Also, much attention was paid to the ‘reaction’ of the conservative religious populist organisation the *İttihad-ı Muhammedi* (Muhammadan Union) and blurred distinction by placing the ulema as either religious actors

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<sup>615</sup> The 31<sup>st</sup> March incident was known in Turkish historiography as the *31 Mart Vakası* or *31 Mart Olayı* or *31 Mart Hadisesi* which was the date in the Rumi calendar which took place on April 13<sup>th</sup> in the Gregorian calendar.

supportive of rebellion or docile supporters of the new CUP government.<sup>616</sup> Even at the time a report in the British *Times* newspaper suggested that the CUP were facing opposition from a new rival organisation which was made up from the ulema.<sup>617</sup> A more recent study by Nader Sohrabi has made distinction between the Muhammadan Union and the ulema of the state apparatus by placing the ulema as reluctant adversaries of the new CUP government.<sup>618</sup> Sohrabi has also explained that narratives on the Union were simplistic and that the movement's leader Derviş Vahdeti had also become a victim of the events that transpired. Sohrabi just like earlier historians pointed to the idea that the 'Counter-revolution' spoke in the name of religion, as he positioned the Muhammadan Union as the religious protagonists in opposition to the CUP. This narrative although separated the state ulema from the 'reactionary' attitudes of the Union, it nonetheless continued to maintain that the Revolution of 1908/1326 was inspired to emulate Western political liberalism while the 'Counter-revolution' of 1909/1327 was a religious (Islamic) reaction to it.<sup>619</sup> Sohrabi stressed that the reaction by and large was in retaliation to the revolution of 1908's/1326's strong advocacy for Westernism, which was considered [by the CUP] the only valid civilizational framework for the modern world.<sup>620</sup> While Sohrabi's position is a shift from previous authors in separating the ulema from the 'religious reaction' of the populist Muhammadan Union, it however, places the ulema as advocates of CUP Westernism which then supports the premise of the ulema's quietist position towards governmental secularisation. This paradox places the ulema either as reactionaries or submissive to state Westernisation restricting any independent agency they may have exercised. It also does not explain how the ulema as a mediatory group, balanced to listen to the demands of the mutineers and at the same time stress on the Islamic constitutional merits of the Constitutional Revolution of 1908/1326, thus suggesting that the ulema were neither reactionary nor bystanders, but instead key negotiators between mutineers and the state and were attempting to institute a reflective process

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<sup>616</sup> Berkes, *The Development of Secularism in Turkey*, 1998; Lewis, *The Emergence of Modern Turkey*.

<sup>617</sup> Sina Akşin, *31 Mart Olayı* (İstanbul: Sinan Yayınları, 1972).p86. What the article didn't suggest is which faction of the ulema these rivals belonged too, thus placing all the ulema in one bucket.

<sup>618</sup> Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*. p224.

<sup>619</sup> Sohrabi.,pp223-225. Sohrabi does add, "the outbreak brought to light the antagonism – class(economic), cultural, and generational – between military officers and bureaucrats and their less educated peers and underlings, and also superiors."

<sup>620</sup> Ibid.,p223.

of Ottoman modernisation along the lines of Islam which was expected by the ulema and demanded by the Muslim masses.

It is my view however that both the Revolution of 1908/1326 and Counter-revolution spoke a similar language but from different factions and reasons. While the initial revolution in 1908/1326 spoke of *hürriyet, müsavat ve uhuvvet* (freedom, equity and fraternity), in 1909/1327 the reactionaries didn't reject these ideals nor the constitution. In 1908/1326 the revolutionaries also used the Islamic slogans of justice, order and consultation. Likewise in 1909/1327 the slogans of the Sharia as justice were once again appealed to. The ulema were a part of the revolution of 1908/1326 and the ulema were both a part of and victims in 1909/1327. If anything as mentioned, this revolutionary phase of 1908/1326 and 1909/1327 were part of the same revolutionary phase where Islamic language was intermeshed on both occasions. So what's to suggest that the people at the time didn't see both the revolution and counter as Islamic? If the Counter-revolution tells us anything is that the appeals were being made to the language of Islam because it was the language used to mobilise them in 1908/1326. Throughout the press campaign the Muslims were told that the revolution was in conformity with Islam and for its sake. Thus, 1909/1327 simply appealed to this environment. It is thus my belief to argue that the dichotomy presented by earlier historians fails to appreciate how Islam was both part of the 'spirit of the revolution' of 1908/1326 and the 'essence of discontent' in 1909/1327.

In this chapter I shall explain how although the ulema attempted to distance themselves from the 'reactionary' sentiments of the mutineers on the ground, they nonetheless were also privy to the Islamic demands of the mutineers. The ulema in the state apparatus were also aware how the Muhammadan Union had managed to take centre stage and succeeded to encourage religious sentiment as the Union's position shifted and changed as the conditions did. In addition the ulema continued to uphold constitutionalism as an Islamic ideal, and managed to consolidate their vision of constitutionalism from their traditional Islamic framework, by stressing this point to the mutineers, and also government by maintaining the centrality of their authority during the constitutional amendment process after the failure of the Counter-revolution in 1909/1327. On closer inspection the constitutional amendments made in 1909/1327 were part of the ulema discourse of restricting absolute authority, but at the same time it reflected that the ulema had heard the demands of the voices that

protested in Istanbul. The so-called Counter-revolution might have failed with its slogans demanding the Sharia, but its sentiment was reflected in the new constitution of which the ulema were the key architects suggesting that the Ottoman government and ulema did make concessions to the demands of the protestors. The attitudes of the ulema in Istanbul from the Revolution until the Counter-revolution can be seen as consistent in upholding constitutionalism as the Islamic ideal for governance, and maintain their importance in the governmental structures.

Although this chapter shall re-examine the role of the ulema in the Counter-revolution, the role of the Muhammadan Union also requires some attention as much of the religious sentiment and rhetoric overlapped the remit of both the Union and the ulema. There is no doubting the Union's role in the events on the Counter-revolution but the Union's activities requires evaluation, as they ultimately became victims of the portrayals of the CUP who themselves needed to present the agitation as anti-constitutional and reactionary as they had lost much authority in Istanbul, thus obliging a response from the military. The Counter-revolution was used to vindicate the CUP, as the opposition could no longer denounce the CUP's alarmist position.<sup>621</sup> If the CUP had not presented the Counter-revolution as anti-revolution, military action and involvement would have been improbable. As for the state ulema, it is evident that they had attempted to subdue the revolt, and although much of the literature does indicate such, nevertheless the ulema's involvement has been framed as pragmatic during the events, similar to the Revolution, in which they only supported the CUP once it was evident that the rebellion in the capital was to be defeated.

A secondary point worth investigating is the impact the Counter-revolution had on the position of the Caliphate and the ulema, especially the ulema that functioned as state-actors in Istanbul. Although brief mention of members of the ulema and their opinions shall be explained, nonetheless it was the importance of the ulema in Istanbul that determined the course that the government was to take and the manner the new constitution would be implemented. Due to the religious rhetoric used by the mutineers, the Sultan and ulema shared much accusation as supporters of the 'reactionary' activities across the *devlet*. In reality ulema positions were indeed diverse, but even those who clearly attempted to separate themselves from the revolt would be viewed with an eye of suspicion, as paranoia from the CUP towards men of

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<sup>621</sup> Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*. p224.

religion became ever stronger. Mustafa Sabri Efendi claimed how the events of 1909/1327 created an environment that perceived the ulema with much distrust, as many withdrew from outward political activity that they had enjoyed from the inception of the Revolution.<sup>622</sup> However, while within some quarters the ulema became criticised over the events, nonetheless the pragmatism of the CUP conceded the importance of the ulema who remained integral to the political traditions of the *devlet* as they continued to use the apparatuses of the state unlike any other faction to suppress the revolt and restrict its spreading across the *devlet* as well as remaining central to the constitutional ideals. The narrative of the ulema and Sultan's collusion has been much discredited over the years, nonetheless the complexity of the role of the ulema regarding the varying factions amongst them based on hierarchy, education, political affinity and ideological inclination, is further complicated due to the blurring of lines regarding the religious demands from the protagonists proclaiming '*Şeriat isteriz*' (we want the Sharia) added to that the Counter-revolution had indeed many *softias* and *hocas* which for the untrained person would naturally have looked as though the ulema had revolted. The demand for the Sharia was no doubt within the remit of the ulema's jurisdiction, as the call was indeed made to both the government and the ulema. The centrality of the Sharia to the ulema's authority has made it challenging for historians to make distinction between the ulema's religious proclivities and the rhetorical proclamation by the mutineers.

With the Sultan's authority used as a symbol of veneration by the mutineers which would have been natural as he was still assumed to be in charge, the Counter-revolution would have consolidated the notion among the ulema in authority that dangers of an absolute Caliphate. Thus the Counter-revolution provided further proof of the dangers of Sultan veneration. For many ulema in parliament Hamidian veneration had to be restricted, and whilst Islamic history would serve many examples of authoritarian Caliphates, the Constitution of 1909/1327 for the first time as a document would restrict the executive nature of the role and institutionalise legal restrictions to the Caliph's authority, never instituted before in Islamic history. While the ulema may have been placed in a precarious position during the events of March 31<sup>st</sup> 1909/ Rabial-Awwal 10<sup>th</sup> 1327, nonetheless their authority as the guardians of faith didn't diminish, as the ulema within the state apparatus via the medium of the Constitution of 1909/1327 would change the role of the Caliphate forever.

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<sup>622</sup> Bein, *Ottoman Ulema, Turkish Republic*. p53.



The final part of this chapter, shall examine the constitutional amendments made by the ulema in order to position their standing vis-à-vis state and society as a response to the Counter-revolution and more importantly the greater narrative of ulema support of constitutionalism. While the ulema's ideological ideas have been mentioned in chapter three, this chapter shall focus on the processes the ulema underwent regarding the drafting of the new constitution as integral if not central actors of the constitutional amendments. The drafting process of amending the constitution of 1876/1293 was already in session in parliament prior to the Counter-revolution but given greater urgency once the revolt was suppressed so that the role of the Sharia, Caliph, revolutionary slogans and constitutionalism be clarified to society. The ulema continued to play an essential role in the constitutional process by amending the constitution in accordance with the conditions of the Ottoman *devlet* of the twentieth century. Additionally, in the final segment of this chapter it is worth scrutinising Susan Gunasti's assumption that the ulema became further influential in 1909/1327 and consolidated their influence in the drafting of the constitution of which Gunasti called the 'Islamicisation' of the constitution, which would thus suggest that the document of 1876/1293 was not Islamic and needed to be made more so in 1909/1327.<sup>623</sup> My contention is not with the idea that the ulema became further influential in this period but to examine the idea of 'Islamicisation'. It is better not to view the constitution of 1909/1327 as an Islamisation of the document of 1876/1293, as both emanated and reflected Islamic principles. It is my view that both constitutions were Islamic but reflective of the needs of their respective times. As mentioned earlier, neither authoritarianism nor constitutionalism is seen in contradiction to Islamic politics, as the Sharia has maintained fluency over the style of governance. It would be better to view the transformative ability of the constitutional needs to re-appropriate Islam to the novel conditions of its time. This was similar to the Sharia's ability to adapt to novel conditions to new realities, thus pointing to the transformative ability of Islamic political theory, law and late Ottoman political culture and consequently the ulema's continual worth regarding state transformation.

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<sup>623</sup> Gunasti, "Approaches to Islam in the Thought of Elmalılı Muhammed Hamdi Yazır." p125.

## Background Events that Led to the Counter-revolution - Deconstructing the Narrative

Before examining the actual Counter-revolution and the role of the ulema, it is worth first examining some of the conditions that led to the revolt. This is because during the success of the Constitutional Revolution, by and large the ulema of the state apparatus faced no real incriminations by the CUP as they had profited much from the new conditions. This then points to the question why the ulema would react towards facilitating a Counter-revolution by wanting to abolish the new constitutional order, especially as it was many of them who wanted the constitution in the first place. It is worth addressing how the revolt came into being and then placing the ulema within this narrative, which should clarify the ulema's role in the revolt. The revolt that lasted nine days materialised not from a vacuum, nor can it be proven as a pre-organised co-ordinated action.<sup>624</sup> The demonstrative movement presented no spearhead or distinct ideology, and its spontaneity caught many by surprise, especially the Unionists. As for who was to blame, some blamed the Sultan directly, although much evidence now suggests otherwise, nonetheless the events were a catalyst that became the motivation for the CUP that later led to the Sultan's deposition. The main charge was aimed at the Muhammadan Union of which there were members from the ulema – although of a conservative disposition.

By March 31<sup>st</sup> 1909/Rabi al-Awwal 10<sup>th</sup> 1327 the government's transgressions had managed to unify a multitude of oppositional actors not only religious, indicating that the revolt was less to do with religious fanaticism but rather an agitation created by the policies of the CUP, added by a hostile press environment that impacted a wide range of actors.<sup>625</sup> It should have not come as a surprise to the CUP of the possibility of unrest, but the events did indeed catch the CUP unawares. What is apparent is the events had undeniably surprised the CUP, both by its speed of

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<sup>624</sup> Sohrabi explains "Despite a good deal of speculation, government communication and newspapers show that none of the elite competitors had a direct hand in the uprising. That is, neither the Palace, nor the Porte, nor the Liberals initiated the anti-CUP outburst. Contrary to received wisdom, even Dervish Vahdeti and his top aides do not seem to have had any role in instigating it, and from all indications they too were taken by surprise. Nor did they reject constitutionalism, as evinced by their writings in these stormy days. Many religious societies associated with the Society of Muhammad, however, did support the counterrevolution around the empire." In Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*.p225.

<sup>625</sup> The journals *Tanin*, *Ikdam*, *Yeni Gazette*, *Mizan*, *Serbesti* and the *Volkan* in Istanbul had all aggressively critiqued the Unionists by the time the 31<sup>st</sup> March incident had taken place.

escalation and its anti-CUP position. The emergence of the incident doesn't equate to conspiracy on this occasion, but instead implies that the CUP were insensible to the feeling of discontent their actions, rhetoric and policies were causing among a mainly conservatively religious empire and that the common denominator of the mutineers was not the return to religion but in fact a demand of curtailing the CUP's authority to the justice inscribed from Islam and the constitution. If the Sultan was not to escape criticism the CUP were sure to be equally judged on the Islamic requirements of justice also. Bedross Der Matossian confirms:

The Counterrevolution was not a manifestation of religious fanaticism, as scholars have generally supposed. Although it spoke in the language of religion, it nevertheless was forwarded by diverse groups – the most important of which were lower-ranking soldiers and officers who had opposed the indiscriminate, massive purges initiated by the CUP after the Revolution. When the lower-ranking, populist religious organizations asked for the implementation of the *şeriat*, their aim was not to abolish the constitution but rather to implement the constitution in accordance with the principles of the *şeriat*.<sup>626</sup>

The discontent manifested into greater agitation towards the CUP's governance in Istanbul, as news of the assassination of the editor of the *Serbesti* journal Hasan Fehmi Bey with little recrimination acted as the tip of the iceberg that pushed many in Istanbul finally over the edge. This then manifested in sporadic outbreaks of derision as the lack of the new regime's centrality on some of the provinces indicated that the CUP had still not managed to totally rein authority both in the centre and provinces.

Historians have seen Hasan Fehmi's death as the catalyst for the events of 1909/1327. An ardent critic of the CUP in his liberal journal, his assassination, indicated to many that the CUP were behind his murder as thousands attended his funeral in Istanbul. Such was the shock that an opponent of the CUP was killed in cold blood in broad daylight, that many feared that this type of recrimination would be used against other opponents. It is unclear whether the CUP had indeed sanctioned such an action, but the government's tepid response was perceived by the voices on the street to be tacit acceptance of his murder. A palace aid was also assassinated, and Derviş Vahdeti the leader of the Muhammadan Union made accusations of receiving death threats himself, as the CUP were accused of conspiracy.<sup>627</sup> Prior to the

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<sup>626</sup> Der Matossian, *Shattered Dreams of Revolution*.p153.

<sup>627</sup> Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*.p237.

assassination the CUP had brought the *Avcı* troops from Salonika in Istanbul in October of that year, creating a tense atmosphere in and around the capital. Especially as many of the troops were station outside of Yildiz. It is difficult to explain why the CUP would facilitate an environment of assassinations at the risk of encouraging revolt. Encouraging such activity would have done nothing but compromise the CUP's authority; by bringing bloodshed to the streets of Istanbul. In fact the manner in which members of the CUP escaped the capital further indicates the precarious position the CUP were in during the revolt as their dependency on the ulema and more importantly the All Action Army became evident. The CUP's rather haphazard reform had initiated a culture of marginalisation and the purging of those that were perceived as supporters of the Sultan had further exacerbated matters. With wide-scale military and bureaucratic purges, the freeing of political prisoners that included convicts, and the abolishment of the Hamidian spy network in Istanbul, created an environment that lent itself to disorder. While the CUP surfed the waves of revolutionary euphoria, by March 31<sup>st</sup> 1909/Rabi al-Awwal 10<sup>th</sup> 1327 their political stock was unravelling in dramatic fashion.

The Revolution of 1908/1326 had promised much, and yet by 1909/1327 much of the euphoria began to diminish, as revolutionary rhetoric and promises failed to transpire into projected realities. In order to maintain popular support, the CUP continued to submerge revolutionary euphoria with incessant celebrations, festivities and elections, as the newfound printing press attempted to take this emotion and generate public opinion that would perceive more favourably the introduction of constitutional government and presented the CUP as the bastions of the new fortunes of the *devlet* and its peoples. However, with the relative freedom of press and parliament, there was an air of toxicity established in the new criticism cultures of the printing press and parliamentary debate. Also the average layman cared little with political transformation; that was the domain of the educated and statesmen. The people's concerns related more with matters such as the reduction of taxation, the improvement of the general economic situation and matters of security. The average person of the Ottoman *devlet* had very individual concerns; they were made to believe that the constitution would address such. Instead, while the CUP and other political factions were wrangling over authority, the masses saw no real change in their lives that actually mattered to their interests. The new culture of populism was built on the euphoria of the projection the new change the constitutional government would

deliver. The streets of the Ottoman *devlet* as a result were high on emotion and the possibility of collective remonstrance was evident.

Government reformation was indeed a tough and strenuous process as the CUP found it difficult purging conservative elements within the political structure. While many newer actors benefitted from the new means of political practice, the old guard still used their traditional methodologies to remain politically relevant. The forced transformation between Hamidian to *Meşrutiyet* created a hybrid situation where new and old had managed to immerse themselves into the political structure and thus create an environment of contestation. However actors who benefitted from Hamidian policies were evidently acknowledging the shift that was taking place in internal policy.

Added to that, as the Unionists decided to make governmental reform their primary objective, such changes failed to resonate with the masses. The Unionists were about to face the ill effects of the populism they created, as oppositional religious actors to the CUP were far better in stirring mass emotive feelings. Upon achieving their aims during the Revolution the CUP along with many state ulema continued to emphasise that authority was in the hands of the masses. Ottoman thinkers and ulema had not only mobilised the masses to celebrate, boycott and vote, they had also mobilised an intellectual consciousness that the masses were part of the new political change. As mentioned, although the masses cared very little for the technocratic implications of constitutionalism, nonetheless they were made to believe that constitutionalism was the reflection of the 'national will', furthermore that the masses had some stake in the decision-making process. The ulema in particular had stressed on the concept of authority belonging to the *ummah*, that the parliamentarians were representatives of the masses and Ottoman nation, and that decision-making was inclusive.

Although the constitutional movement of July 1908/1326 was not a popular revolution, however, motifs and symbols were constructed to make the masses believe that they were central to the new political change. More importantly, after the Revolution the new political culture of protest was indeed fashioning a newfound populism. Populism when used by the CUP was to take complex problems and simplify them within the rhetorical slogans of freedom, equity and fraternity. Furthermore Young Turk populism had simplified the complexity by suggesting that the constitution would address all the ills of the *devlet*. The Muhammadan Union's

populism equally failed to address the complexities of the CUP's time in government by attacking the CUP at every turn. In appealing to the masses for legitimacy, newer formulations emerged within the population wanting to invest in political activity. A host of organisations and unions would become established during this period of which the Muhammadan Union was such a populist religiously inspired movement. While the CUP initially attained a level of support from many of the differing political factions regarding state transformation, the attempt to transform public opinion and mass culture was to be far more challenging. If the CUP were to appeal to emotive symbolism regarding Ottoman fraternity as well as Islam and its symbols, then religious actors, especially the ulema and Sufi sheikhs were far better in interacting with this arena than the CUP.

The ulema and Sufi sheikhs were an inherent part of Muslim societies whose authority in Muslim societies was as old as the *ummah* itself. While it has been claimed that the Unionists enjoyed much popularity in the printing press, it is yet to be determined what the mass reading patterns were or how people resonated with CUP ideas. However from the letters sent to the Islamic press such as the *Beyan'ül-Hak*, *Sirâtülmüstakîm*, *al-Manar* or the *Volkan*, it can be assumed that the Islamic press was indeed popular, not solely in the *devlet* but around the Muslim world. As for the traditional spaces such as the pulpit, this was still the domain of the people of religion. Much of CUP success was still dependent on ulema co-operation.

It should come as no surprise that the CUP were to be contested by elements in society once the euphoria of the revolution subsided and reality of the revolution became apparent. The CUP was about to realise that revolutions rarely – if ever – simply transpire over night. Revolutions are processes and phases, they involve post revolutionary contestations, anti-revolutionary sentiment and a fluidity of changing alliances once an aim is achieved, in this case the subjugation of the Sultan. The CUP was about to face the greatest threat to their authority since the discovery of their activities by the Sultan's forces in Macedonia in the summer of 1908/1326. However, it wasn't until the revolt was overpowered by the military that the CUP eventually managed to establish authority in the executive branch of governance and re-establish a programme of political change that included deposing the Sultan, purging Kamil Pasha the ex-Grand Vizier's influence, eradicating conservative religious opposition as well as attaining ulema co-operation for drafting a constitution to curtail Sultanic authority.

The Counter-revolution highlighted the impact of the haphazard actions of the CUP, their weakness in government and their inability to grasp the influence of religious emotion as an oppositional tool in the hands of Muslim conservatives such as the Muhammadan Union. The state ulema's position would determine the outcome of the confrontation. If they supported the new government during the revolt they could aid in subduing the agitation, however support for the mutineers would have left the new government in a precarious position. On closer inspection as will be examined the ulema's sole aim was to safeguard the *devlet* from chaos and call for unity and their positions were rapidly changing as were the conditions on the ground.

The problems were many when the Counter-revolution took place. CUP purges, the freeing of prisoners, the abolishment of the spy network, the feeling of discontent by many segments of society was compounded by the war of words between some members of the CUP, like Hüseyin Cahid and oppositional activists such as Derviş Vahdeti, which created a web of discontent both in the public sphere and intellectual. It was the combination of these elements that created the conditions for the Counter-revolution in 1909/1327. While the rhetoric was religious, it was not inspired however by a religious movement or religious reaction, but instead an appeal to the universal slogans of justice and the Sharia. The Muhammadan Unions success was on the back of the CUP's many failures. The ulema within the state apparatus attempted to balance the difficult task of holding government to account while also making distinction from their aims and that of the Muhammadan Union. The Muhammadan Union in the press and the mutineers on the ground appealed to the slogans of Islam which were evidently within the remit of the ulema's authority, it was only natural that they would be the people of mediation, but at the same time the ones who would fall victim of the use of religion by the mutineers.

### **Muslim Contestations – The Ulema, the Softas and the Meşihat**

The Counter-revolution was not the first time CUP authority was challenged in Istanbul under the guise of religion. In December 1908/1326, Kör Ali, a conservative dervish had reacted by rioting regarding what he considered to be social infringements in society. Kör Ali and his followers believed that the CUP had facilitated an environment emulating Western culture and one that would diminish the importance of the Sharia. The main point of concern was levied that the CUP were

relaxing laws in regards to alcohol and women's clothing, a charge denied by CUP.<sup>628</sup> Conservative Muslims in Damascus also criticised that the newfound freedom was impacting negatively regarding women in the *devlet*.<sup>629</sup> Even Sheikh Mûsa Kâzım a Senator and alleged CUP affiliate mirrored conservative religious opinions on the dress code of women in Islam as he attempted to use his influence to apply pressure on the CUP via the journal *Sirâtı müstakîm*.<sup>630</sup>

The Kör Ali incident had brought violence to the streets of Istanbul for the first time under the CUP, and had willing sympathisers from some conservative elements in the Ottoman domains. It was the first time that the CUP's authority was so openly challenged. When arrested, Kör Ali pleaded insanity, however, the CUP's response to such agitation was swift and harsh. As a result, Kör Ali and some of his followers were arrested, swiftly tried and hung in order to suppress any reactionary activity to the new governments authority as the CUP set the tone of governmental retribution as the term *mürteci* (reactionary) started to become an accepted discourse by the Unionists towards religiously inspired protestations irrespective of the internal differences and by the end of the failed Counter-revolution became part of the legal language also.<sup>631</sup> The complexity of the Kör Ali incident was it raised very pressing concerns sensitive to members of the ulema. As mentioned, matters of the religious code of women's clothing mattered to many ulema, as it was part of a larger discourse of Islamic morality. The fact that Kör Ali and Mûsa Kâzım Efendi resonated the same belief indicated that ulema of different leanings could still correspond shared ideals as they drew their opinions from the same texts and sources. While the ulema may have been part of the reformation process, the main point of reference was still the Sharia and opposing factions would continue to resonate similar ideas on a host of matters. In that sense although the ulema would contest over matters among themselves and the ulema may have had differences regarding class, social status and education, nonetheless there was a feeling of belonging to a fraternity. In this sense, although the Kör Ali incident had nothing to do with the ulema of the state apparatus, it nonetheless would have still impacted upon the fraternity.

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<sup>628</sup> The Times, October 9 1908. See also The Times, October 10 1908. Another Imam by the name Abd-el-Kader delivered a speech in the mosque at Scutari deploring the decay of faith.

<sup>629</sup> Commins, *Islamic Reform*. p121.

<sup>630</sup> Reinhart, "Musa Kazım : From Ilm to Polemics." p288.

<sup>631</sup> Danişmend İsmail Hami, *31 Mart Vak'ası: Sadr-I-A'zam Tevfik Paşa'nın Dosyasındaki Resmi ve Hususi Kayıtlara Göre* (İstanbul: Kitabevi Yay, 1974). pp14-15.



Authority was easily expressed by those who were part of the state apparatus, while those outside, were left with protest as the main style of applying pressure on government. While the likes of Mûsa Kâzım chose the printing press, private council or the parliament as a medium to express their concerns, K r Ali chose protest which very easily transformed to violence. It was evident that the Union had no dominant authority within the parliamentary structure and parliament became the main arena to exercise ulema authority upon government. This indicated the difference between the ulema who benefitted from the use of the state apparatus and those considered as part of the political periphery. Both applied pressure on the governing authorities but used different methods available to them. Jacob Scovgaard-Peterson has pointed out that the ulema in the state apparatus usually have the capital to hold authority to account and implement policy.<sup>632</sup> Ulema outside the state structure, although could attain much influence in society and even in the scholastic world, nonetheless those outside the state apparatus were marginalised when it came to the state building and transformation process. This was true of the conservative ulema who had supported Sultan Abd lhamid II. During the Hamidian period the conservatives enjoyed the favour of authority as they managed to propagate their vision of Islam while the ulema who called for the constitution struggled as they were simply reduced to oppositional activity in the hope that they could attain military support to change the political situation. When the Revolution succeeded those that had supported the Sultan had now become the opposition and became the marginal voices in the political sphere. While in opposition protest was the main method to apply pressure, as the newspaper culture had added a new dynamic to the protest, while those in governance have all the tools of the state at their disposal.

Further blurring of lines took place when the ulema led by the *Cemiyet* had placed a proposal for the extension of the *Mecelle* regarding criminal law to parliament; the *Volkan* had echoed this point also. The slogan ‘* seriat isteriz*’, was a concept that was discussed by both the *Beyan’ l-Hak* and the *Volkan* which was taken as a slogan of the mutineers.<sup>633</sup> What all the ulema and Muhammadan Union had in common was the desire to not only support the constitutional regime but to make it more in line with the principles of the Sharia. In that sense the ulema and Muhammadan Union had similarities. It is for this reason easy to understand why

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<sup>632</sup> Scovgaard-Peterson, “A Typology of State Muftis.”, pp81-98.

<sup>633</sup> *Volkan*, “ seriat isteriz” March 6, 1909, *BH* “ seriat isteriz” March 8, 1909.

many historians had placed the ulema with the Muhammadan Union when discussing the events of Counter-revolution. But there were evident differences on the role of the Caliph. The state ulema by and large propagated the idea that the Sultan as Caliph was an executive authority, that the culture of veneration was to be discouraged, whereas the Muhammadan Union endorsed the centrality of the Sultan as the supreme leader.

While there was a contestation between the ulema of the state and those on the periphery there was also a contestation between the ulema within the state apparatus. The *Cemiyet* and *Meşihat* had a vested interest in curtailing religious conservatism towards an understanding more suitable to their own. The *Cemiyet* had also made the claim that they took it as one of their objectives to educate the masses towards the correct understand of Islam.<sup>634</sup> But during the Counter-revolution the state ulema all aligned themselves to protecting the CUP who were the only authority who could protect the upholding of the constitution. As a result, both the *Meşihat* and *Cemiyet* aimed words of harsh criticism towards any activity perceived as ‘reactionary’ that could destabilise government. In doing so in this complicated web of relationships clear demarcations of allegiances were made thus bringing the CUP and the state ulema ever closer than at any other time. As a result the CUP and ulema agreed to an uneasy alliance that safeguarded CUP authority in government and the state ulema’s aims in implementing their programme.

Political and social conservatism still maintained a deep core within political and social life in the Ottoman *devlet*. Many of the grievances made by the mutineers in the preceding events of 1909/1327 had sympathetic ears within some ulema circles.<sup>635</sup> In fact there were also sympathetic ears for the disenfranchised from non-Muslims as well.<sup>636</sup> CUP reformist activities had created ruptures within certain segments of the Ottoman polity, the reforms lacked much tact and more so, emotion. The ulema were privy to the complaints of the devoted senior soldier to the Ottoman *devlet* who was removed from his post for being a Hamidian loyalist, the young officer who still awaited his pay, the *sofî* being forced into military service, or the peasant who was yet to reap the benefits of the constitution. In this sense, these

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<sup>634</sup> Fetin, “Cemiyetimiz.” *BH*, Septmeber 22, 1908/1326.

<sup>635</sup> Adanalı Hayret Efendi was a writer for the *BH* then later formed a new journal titled *El İslam*. He would later be arrested and exiled for showing sympathies towards the mutineers. See in Akşin, *Şeriatçı Bir Ayaklanma: 31 Mart Olayı*. pp90-91.

<sup>636</sup> Der Matossian, *Shattered Dreams of Revolution*.p154.

feelings coupled with religious sentiment had created the highly charged emotional agitation towards the new regime.

## The Islamic Opposition Movements

It is worth evaluating the role of the Muhammadan Union, its leader the Nakshabandi Sheikh, Hafız Derviş Vahdeti and its journal mouthpiece the *Volkan*. Much blame regarding the Counter-revolution was aimed at the Muhammadan Union. After the suppression of the revolt, the Muhammadan Union was immediately dissolved, the *Volkan* banned and Derviş Vahdeti and some of his close supporters were executed by the state similar to K r Ali. It wasn't until Nader Sohrabi's detailed work on the events that a more considerate depiction of the Muhammadan Union has been presented in which Sohrabi revealed that the Union was a self-proclaimed mouthpiece for the disenfranchised, but it lacked the ability, clout or personnel to deliver Counter-revolutionary change.<sup>637</sup> The feeling of discontent was coupled with the haphazard nature of oppositional activity, which had no clear vision, leader or ideology.

The Muhammadan Union was established in February 1909/Muharram 1327 - though the full manifesto and code of rules did not appear in the *Volkan* until March, which was formally announced during the *mevlud*<sup>638</sup> of the Prophet Muhammad the following month. According to its manifesto it was established to 'protect the notices of conservatism and Islam'.<sup>639</sup> It is indistinguishable whether the Union was indeed a viable oppositional force to the CUP's authority as Sohrabi has suggested, but there is no doubting that the Muhammadan Union's rapid and mounting popularity was increasing, as the CUP failed to familiarise the initial stages of their reign of the conservative nature of much of the *devlet*. It was suggested that when the Muhammadan Union opened its membership that thousands applied to join.<sup>640</sup> This

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<sup>637</sup> Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*.

<sup>638</sup> The *mevlud* or *mawlid* is the celebration of the birth of the Prophet Muhammad. It usually entails public festivities, prayers and celebratory gathering both in private and public.

<sup>639</sup> *Volkan*, "İttihad-ı Muhammedi Cemiyeti Nizamnamesi," 16 March 1909 See also Tunaya, *T rkiye de Siyasal Partiler, 1 İkinci Meşrutiyet Donemi, 1908-1918* ,. pp199-203.

<sup>640</sup> Sohrabi says "[D]eclarations of local inhabitants who were joining the Society of Muhammad en masse. Three thousand, eight and ten thousand, thirty thousand, and even one hundred thousand members were figures claimed for some provincial locations that cared to announce the branch openings." Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*. pp235-236. Matossian explains that in the Arab journal *Lis n al-Hal* one hundred thousand people participated in the Muhammadan Unions inauguration, although he accepts that this sounds like an exaggeration. See

was not simply confined to Istanbul as the Muhammadan Union expanded its recruitment efforts to Anatolia and the Arab provinces, and especially organised itself in Syria, where many conservative ulema felt threatened by the CUP and Salafist agenda.<sup>641</sup> In Damascus it was said that it had many members, and a 1000 signatures were attained in support of a petition led by the Muhammadan Union in support for the application of the Sharia.<sup>642</sup> Some prominent members of the ulema included conservatives such as ‘Abd al-Qadir al-Jaylani and Sheikh Badr al-Din, and that Sheikh Salih al-Tunisi and Abdul Qadir al-Khatib were the leaders.<sup>643</sup> But the Muhammadan Union unlike the CUP was not a political party, with a political programme; instead a fluid organisation that had neither clear structure, nor hierarchy. The Muhammadan Union represented a different objective over the membership culture of the CUP in which the Union chose to function as a protest organisation that could hold authority to account. Unlike Kör Ali’s protestations, the Union presented a far greater challenge to the CUP as its aims were better integrated into the aspirations of the Sufi tarikats and their conservatism. It was also no coincidence that many of its senior members were affiliates with Sufi tarikats and ulema.

As membership was fluid, membership to multiple organisations was not perceived as a contradiction. Said Nursi had mentioned that he was an affiliate to multiple organisations.<sup>644</sup> Nursi consistently had his works serialised in the *Volkan* press suggesting that he had close connections to the Muhammadan Union. Also, Nursi had supported the CUP during the Revolution both in the Balkans and the Kurdish regions of the *devlet* in which he propagated the merits of constitutionalism.<sup>645</sup> Nursi gave many classes in the madressas of Fatih of which many members of the *Cemiyet* came from. Thus, Nursi interacted with all these groups and organisations of which no contradiction was perceived initially. The Muhammadan Union unlike the *Cemiyet* was not exclusive to the ulema, and was a

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in Der Matossian, *Shattered Dreams of Revolution*. p151.

<sup>641</sup> British records say that the Union had thousands of recruits in Damascus. PRO.F.O. 371/767/4183/15583 *Sir G.Lowther to Sir Edward Grey*, 3 April 1909. See also Commins, *Islamic Reform*. pp116-123.

<sup>642</sup> Commins..p132.

<sup>643</sup> Ibid.

<sup>644</sup> Bediüzzaman Said Nursi, *Divan-ı Harb-i Örfi*. pp17-19. See also Vahide, *Islam in Modern Turkey*. pp65-67.

<sup>645</sup> Nursi, *Münazarat*.

bottom-up grass root movement that was inclusive to the masses. Its journal organ the *Volkan* also permitted various writers to write for them such as the Ziya Gokalp.<sup>646</sup> This made the Muhammadan Union's activism in direct conflict to the space that the CUP had carved regarding populist activity. It also reflected that whereas the CUP had fostered much populism in introducing constitutional politics to public opinion as a way of curtailing Sultanic opposition, nonetheless, forces such as the Union, were far better suited at rallying the masses on emotionally religious slogans. During the Counter-revolution the large numbers that are often quoted regarding Muhammad Union membership do require some scrutiny as the Muhammadan Union had made itself visible during the celebrations of the *mevled* and it is not clear if the crowds attending these events were indeed members of just attendees of the event. I would be pressed into thinking the latter.

What is also worth of note is that from the ideas of the *Volkan* journal it is evident that the Muhammadan Union was in favour of the constitution. However, the serialisation of Dağistânî's *Miraat Kanun-ı Esasi* clearly indicates that the Union's impression of constitutionalism was still within the conservative purview of unlimited Sultanic authority, a position challenged both by the CUP and the *Cemiyet*. However, while the *Volkan* press positioned itself as a journal representing the interests of the conservative elements within Ottoman society, it also aligned itself with the other journals in opposition to the CUP. Although ideologically different, and its objectives also being different, the *Volkan* nonetheless worked co-operatively with liberally inclined journals to maintain pressure on the CUP. The *Serbesti*, *Ikdham*, and the *Volkan* had become increasingly critical of the CUP mirroring similar arguments to one another, thus applying collective pressure.<sup>647</sup> On closer inspection the idea that the *Volkan* was presenting articles of an inflammatory nature are also somewhat exaggerated, as its style of opposition was no different than the other oppositional voices in the print culture.<sup>648</sup> The Muhammadan Union also didn't present an anti non-Muslim position. It recognised that the constitution was for all citizens including non-Muslims and stressed that it understood so. The *Volkan* press explained that the Muhammadan Union was a small but active group who were moderate in their

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<sup>646</sup> Kara, *İslâmcıların Siyasî Görüşleri*.p67

<sup>647</sup> It is worth of note how the title was given a 'secular' name meaning Volcano and not a religious term such as the *Sırâtı müstakîm* (Straight Path) or *Beyan 'ül-Hak* (Declaration of the Truth).

<sup>648</sup> However, the *Volkan* was not only attacked by the CUP but the *Cemiyet* also.

outlook but would uphold the *haqq*(truth) and if the *haqq* were to be attacked then it would erupt like a volcano (*Volkan*).<sup>649</sup>

According to Sohrabi, to counter the CUP's influence in government the Muhammadan Union attempted to separate the links between the CUP's stronghold in the Macedonian branches and the branches elsewhere.<sup>650</sup> The *Volkan* press was bidding to create a distinction between the CUP and the actions of the soldiers during the revolution. It was attempting to appeal to the revolution from the position of the masses, and in many ways was more effective in understanding general public opinion.<sup>651</sup> The *Volkan* didn't present itself as a voice of the elite in Ottoman society, on the contrary, the *Volkan's* appeal was in the premise that it represented the voice of the layman on the street, in particular the regular Muslim. The CUP found this sentiment the most challenging as some of the intellectuals of the CUP, used patronising terms when condemning the masses in their print literature, whereas the *Volkan* turned to the masses, recognising the sentiment on the ground. The *Volkan's* appeal to the Muslim masses in particular was going to ears that were willing to listen, and those disenfranchised ears were many. Said Nursi, a regular writer for the journal, when criticising the CUP, made it clear that he was not against the heroes of the revolution Niyazi or Enver, but that there were indeed some in the CUP whose manner and ideas 'he did not agree with'.<sup>652</sup> Nursi chose to downplay his contempt for some of the Unionists unlike other authors who were much harsher in their criticism of the CUP. Members such as Hüseyin Cahid were much detested within religious circles but within liberal circles too. The likes of Cahid were not only the scion of the Union however, as ulema himself took issue to Cahit's outspoken opinions.

Upon its inception the Muhammadan Union took it upon itself to defend what it believed to be excessive and over zealous reforms by the new government. Its populist appeal, and loose membership requirement meant that members of the ulema could fluidly interact on the same platform facilitated by the Muhammadan Union. However, on closer inspection it is worth noting that the triumvirate in Istanbul of the *Cemiyet*; Mustafa Sabri, Hamdi Yazır and Mustafa Âsım did not lend their support to

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<sup>649</sup> Vahide, *Islam in Modern Turkey*.p75.

<sup>650</sup> Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*.p227.

<sup>651</sup> Ibid.,p227.

<sup>652</sup> Nursi was asked in a newspaper interview "In Salonica you worked with the CUP, why did you part way?" Nursi replied " I did not part from it, it was some of its members that parted. I am still in agreement with people like Niyazi Bey and Enver Bey" See in Vahide, *Islam in Modern Turkey*.p37.

the Union, nor did the office of the *Meşihat*. As the environment became increasingly tense in the capital and the ulema were trapped between recognising the appropriate complaints of the Union and the mutineers, but also maintaining order to safeguard the government.

The activities of the ulema during the events can be perceived as between two main groups. The first group were the ulema in the state apparatus, and were mainly in the senior membership of the *Meşihat*, and the ulema who had newly become members of the *Cemiyet*. The second group comprised of those either agitated by the direct policies of the CUP such as the *softas* from the medressas, or *hocas* of a conservative disposition who were convinced that the new government was indeed attempting to tarnish Islam and the Sharia. It was the second group that the Muhammadan Union was able to appeal to as the *softas* showed some level of frustration towards the state and the ulema associated with it. The ulema that functioned as state-actors were well aware of the complex political situation at hand, as they worked with the new CUP government to reconstruct the new order. There is no doubting that this relationship was a difficult one, but nonetheless, the ulema in the state upheld the authority of the state to implement their agenda of maintaining influence and the application of Islam. The positions on the ground however, where mainly of the ulema that were not part of the state structure and thus chose protest to have their voices heard. This was basically a distinction between the haves and the have not, as the ulema of the state structure appealed to the ulema on the ground, many of whom would have been their students and colleagues to trust in their position in government. There is also no doubting that opinions and positions changed as the events unfolded, where some members of the ulema may have supported the critique presented by the Union initially, then however distanced themselves from the Union once the protestations transformed into violence. The Union itself attempted to distant itself from the ‘reactionaries’ but so engrained was the Union’s attack on the CUP and open protestation and support for the disenfranchised *softa* and *solider*, that when state recrimination proceeded the Muhammadan Union and its mouthpiece the *Volkan* press were considered as major agitators towards the state, a charge where only a extreme punishment was likely.

It is easy to see why the *softas* were drawn to the *Volkan* press and the Muhammadan Union. The *Volkan*’s complaints stressed that by reducing the number of religious students the CUP would weaken the *devlet*, as religious students were

needed to uphold the religion and social fabric of society, this was a point many ulema also supported. In February and March of 1909/1327 the first protests of Sharia students was felt in the capital, where the students surrounded the Chamber and demanded for the Sharia. The CUP in response presented the protests as reactionary, and supporters of absolutism.<sup>653</sup> The *Volkan* had responded that Islam should not be equated to fanaticism, and had never been against progress.<sup>654</sup> This was an important point as the *Volkan* press was situating the common argument of Islam and progress being compatible, and that they too were adherents to such. The *Volkan* continued that all that was needed was to revert back to the origins of Islam, and that the use of [only] European technology (not ideas), together with Islam, this would return the grandeur of Islam.<sup>655</sup>

Mustafa Sabri later stressed that he took exception that the ulema and the medressa students were being called reactionaries.<sup>656</sup> Hoca Ahmed Rasim Avni would later explain when giving his thoughts and accounts on the revolt by saying that the term *irtica* (reaction) was being used as a stick to whip people into shape and in fact many simply spoke about the 31<sup>st</sup> March incident as an event, it was the CUP who had called it a *irtica*.<sup>657</sup> Said Nursi also explained by saying that he had observed the events and at the time there were indeed patriotic devotees calling for a better alignment between the Sharia and the Constitution on a clearer line of justice. But then people who couldn't distinguish between their right or left started "shouting like parrots" that they demanded the Sharia, as a result the objective had now been lost or even blurred with the demands to the chants of the populists on the streets. Nursi goes further by suggesting that he felt that there were agitators among the crowds, who wished revolt.<sup>658</sup> It is very possible that the likes of Sabri and Nursi were attempting to absolve themselves from blame, but it is also worth investigating not only the ulema's claim that it was they who had continued to support the constitution, appeased the crowds, and explained that the revolt and those involved had been unfairly misunderstood but also that the revolt was agitated by 'outside' forces as this was a claim repeated by ulema.<sup>659</sup>

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<sup>653</sup> Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*. p229

<sup>654</sup> Ibid, p230.

<sup>655</sup> Ibid.

<sup>656</sup> Mustafa Sabri Efendi, "Menhabelerimiz ve Ayıplarımız", BH, June 21, 1909

<sup>657</sup> Küçük Hamdi, "31 Mart Hadisesinden," BH, June 28, 1909

<sup>658</sup> Nursi, *Münâzarat*, pp35-36

<sup>659</sup> Küçük Hamdi, "31 Mart Hadisesinden," BH, June 28, 1909



The *Volkan* was well aware of the labels of fanaticism and reaction to progress was being aimed at the conservative Muslim elements in Ottoman society.<sup>660</sup> This was a failure of the Unionists, who gave much press space to the likes of Hüseyin Cahid. By doing so the CUP rather than listening to the demands of the populist rumblings, instead marginalised a rather large segment of society in the capital, it would then come as no surprise that the CUP were unable to deal with the events that transpired on the 31<sup>st</sup> of March, it also goes some way of explaining how the CUP themselves missed the complexities of the disenfranchised, and instead viewed the problems as binary with themselves as the bastions of the revolution and those in opposition as reactionaries.

The *Volkan* managed to mobilise the *softas* and *hocas* and had a willing audience within the *medressa*. Their activities not only undermined the CUP's authority but also the ulema that were in the state apparatus. When the Muhammadan Union was implicated as one of the main actors of instigating the revolt, the ulema especially in Istanbul were put in a precarious position. Dağıştânî and Nursi were contributors in the *Volkan*, or at least had works serialised in it and would get arrested due to this affiliation, Hoca Ahmed Rasim Avni would also be trailed and sent into exile for simply being in the parliament building and being asked to present the demands of the mutineers. *Âlim* Adanalı Hayret was an earlier contributor for the *Beyan'ül-Hak* and was also arrested and sent into exile as he had written showing sympathy towards the conditions of the *softas* in his new journal *El Islam*.<sup>661</sup> Whereas many ulema may not have been active writers for the *Volkan* or members of the Muhammadan Union nonetheless, ulema in Istanbul were still viewed with some suspicion once the CUP purges took place. During the outbreak the leaders of the Muhammadan Union would try to distance themselves from the mutineers, while the *Cemiyet* would make a clear statement deploring the actions of the mutineers. It was the first time in the Second Constitutional Period where the ulema would be drawn

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<sup>660</sup> Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*. p230 – *Volkan*. It must be also pointed out that while members of the CUP writing in the Ottoman press were relaying an idea that the ulema generally were supporters of *Volkan* and in particular were reactionaries, such was the war of words that the opposite was also true. The CUP were often tainted as being Westernists, Materialists and Darwinists or Freemasons. Members of the ulema who were aligned with the CUP were also accused of such. Mûsa Kâzım was an example of this, as he was accused of being a Freemason. There is no real manner of knowing, as Mûsa Kâzım neither accepted this charge nor rejected. But this could be due to the fact that Mûsa Kâzım seems to have avoided this culture instead choosing to not defend any accusation thrown against him.

<sup>661</sup> Akşin, *Şeriatçi Bir Ayaklanma: 31 Mart Olayı*. p91.

into Muslim contestations over authority. It was clear that Muslim unity was just as difficult to maintain than unity between Muslims and non-Muslims.

Initially the ulema of Istanbul failed to consider the Muhammadan Union a threat in the manner presented by CUP, as many members of the ulema understood the frustrations on the streets of Istanbul. The ulema held a rather passive position to the criticism culture aimed at the CUP as they themselves were increasingly becoming frustrated by the CUP and felt that the CUP authority was stifling the very thing they had promised – freedom. Said Nursi who had supported the CUP during its constitutionalist activity in Salonika would later be arrested and trailed due to his association with Hafız Derviş Vahdeti. Nursi's affiliation was not simply with the *Volkan* press as he wrote in other journals, including *Mizan* and *Serbesti*. However, any affiliation with the Union or *Volkan* press were presented in negative terms. After the All Action Army crushed the mutiny the sensitivity of the ulema's position can be seen when the *Beyan'ül-Hak* suspended publications for a few months while the *Sırâtı müstakîm* did the same for a week or two as a gesture of their support to the government as the ulema in Istanbul regrouped. Mustafa Sabri, would later present a scathing attack on the events of 1909/1327, as many ulema vented their frustration at the *softas* on the street. In total 237 people were executed by the state, many of whom were softas.<sup>662</sup> It must not be missed that governmental retribution towards the mutineers had hit the two most dominant institutions in the *devlet* - the military and ulema. The impact of the retribution would leave a lasting legacy of CUP reign during this period.

Hafız Derviş Vahdeti became the major scapegoat as the leader of the Muhammadan Union even though he stressed much that he had no involvement in the incident. Derviş Vahdeti continues to this day to be an unknown quantity as he is presented as the protagonist of the reactionary activity of the Muhammadan Union. During the environment of agitation, much of the animosity was created due to the bitter and at times excessive war of words between the newspapers, especially Vahdeti and Hüseyin Cahid, editor of the *Tanin*. The struggle between Vahdeti and Cahid is worthy of note as the mutineers were after Cahid's blood due to the depiction of Cahid in the oppositional press. Cahid became a representative of the views of the CUP even though his views probably were not, and he along with his battle with oppositional activists such as Vahdeti and other members of the ulema

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<sup>662</sup> Vahide, *Islam in Modern Turkey*. pp92-95.

confirmed the tense environment in the capital. Opposition to Cahid would create a problem as along with Vahdeti the ulema also viewed Cahid as a scion towards Islam as any opponent of the CUP could be viewed with suspicion. The relationship between Cahid and the ulema was expressed by one British journalist who was willing to express that it was in fact the ulema that were the men of toleration. The article said:

During the parliamentary elections there presented himself for election a Turkish journalist, Hussein Djahid Bey, who took no pains to conceal his hatred for the Greeks and his conviction that the Turk must remain top dog in the Ottoman Empire. Had this man the support of the mullahs? On the contrary, he was strongly opposed by them.

“The entry of such a fanatic into Parliament,” said one Mohammedan ecclesiastic, “would be a calamity for the county”.

Djahid Bey was elected, it is true, though by a very narrow majority, but he has now become a much more moderate man.....He has learned his first lesson in toleration and true liberalism from a Mohammedan mullah and a Mohammedan electorate.<sup>663</sup>

When the unrest took place in Istanbul, Ahmed Rıza and Hüseyin Cahid were presented as the main figures for religious agitation. Rıza was the symbolic leader of the CUP, although much of his role was increasingly becoming nominal but nonetheless in 1909/1327 he was still a symbolic figure within the CUP ranks. His passive inactivity towards the more radical elements in the CUP left him culpable in the eyes of the opposition. Hüseyin Cahid on the other hand was far more aggressive in his protestation towards religion, the ulema and the average layman. His attitude was not only inflammatory towards the religious class however, he was also critical of the non-Turks in Ottoman society, in particular the Greeks. If the new found freedom had given the religious class the opportunity to express its voice, it had also provided Cahid with the platform to ridicule the men of religion in the most contemptuous ways. Cahid and his follower's role should not be understated in the unrest that transpired in the capital, as the mutineers where after his blood more than anyone as he became the symbol of the anti-religious element within the CUP, which was much of his own doing.

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<sup>663</sup> The New York Times, “Pashas not mad in Turkey of To-day”, Constantinople, February 25, 1909.

## The Counter-revolution Begins

The Counter-revolution which lasted for nine days would become the catalyst of the start of the strain in relationship between the CUP and the state ulema. Although the incident was a culmination of the frustration of the previous six months, it nonetheless took everyone by surprise. As the streets of Istanbul descended into chaos, the CUP withdrew from visibility, especially after the killing of the deputy of Latakia with the mutineers thinking he was Hüseyin Cahit. News of the events travelled to other parts of the Ottoman provinces as supporters of the new regime were shocked as oppositional actors used the chaos as an opportunity to reassert their diminishing authority after the elections.

Incidents were not restricted to Istanbul, as agitation between Muslims and Armenians in Adana led to massacres, increased agitation in Birejik, Diyarbakir, and Damascus led to appeals by the *Şeyhülislâm* to asked the ulema to address and plea for calm in the provinces.<sup>664</sup> Some actors affected by CUP reprisals used opportunities to punish the new government by facilitating discontent towards the new government in other provinces of the *devlet*. In October 1908/1326 and then again in April 1909 oppositional factions in Damascus had attacked groups and people who supported the local CUP.<sup>665</sup> In the Balkans the CUP had very early on attempted to dismantle authorities that were deemed hostile to the new regime, as governors were often replaced by CUP loyalists or military men.<sup>666</sup> Death threats were used to curtail resistance and the Counter-Revolution was used as an opportunity to use security to curtail freedom.<sup>667</sup> The CUP was still weak in large parts of the Ottoman domains and their zeal had upset much of the stability achieved during the Hamidian period, and the nature of replacements of some of the officials in the provinces was a painful process, that left much distaste as it created at times

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<sup>664</sup> PRO.F.O 371/771/15013 *Sir Gowther to Sir Edward Grey*, April 21 1909. Another example was in Birejik where the vali could not restore tranquility and so the influence of the *Şeyhülislâm* alone was likely to avail. He exercised his authority by also telling the Muftis in Diyarbakir and Aleppo. The same was asked by the Armenian Patriarch. In Adana there was a total breakdown of authority. The *Şeyhülislâm* ordered for calm by telegram. See in F.O 371/771/14487 *Sir Gowther to Sir Edward Grey*, April 21 1909

<sup>665</sup> Commins, *Islamic Reform*.p128

<sup>666</sup> Clayer, "The Time of Freedom, the Time of Struggle for the Power: The Young Turk Revolution in the Albanian Provinces." p115

<sup>667</sup> Ibid, p122

ruptures in established local political cultures.<sup>668</sup> The Hamidian state was a pragmatic one, the new regime, with its valour of idealism was at times haphazard in its interaction in more politically conservative areas. Feroz Ahmad noted in his study of the CUP that it took several years before the CUP consolidated its authority throughout the *devlet*. Ahmad continued that the CUP's authority in this period was more illusionary than an actual point of strength.<sup>669</sup>

As the crowds gathered, the confusion in the commanding ranks was clear to witness. On the 29<sup>th</sup> of March, the commander of the army issued condemnations of the Muhammad Union and warned the rank and file against joining it. Such was the confusion that the ulema complained that the officers were being mentally prepared to kill members of the ulema on orders.<sup>670</sup> Instead of turning to the *Şeyhülislâm* and the ulema of the *Cemiyet* to counter the reactionary agitations of the soldiers and *softas*, the army unable to make distinction on the ground viewed the ulema with suspicion. General Mahmud Muktar Pasha, the Commander-in-chief of the garrisons in Istanbul is said to have issued to the troops a general order forbidding any member of the ulema from entering the military barrack, and he also forbade his soldiers from associating with the ulema. This rash action however, simply raised further outcry and was consequently withdrawn immediately.<sup>671</sup> At the public square the most prominent people visible from the several groups were thousands of religious teachers, students and lower-ranking imams and preachers. It showed the confusion on the ground as both military personnel and ulema were unable to determine who to trust, as the ulema felt the insurrection was military led and the army thinking it was instigated by the ulema and their religious fanaticism.

The newly appointed *Şeyhülislâm* Ziyâeddin Efendi had entered the Ministry of Sulaymaniyya gates in Istanbul with the objective of calming the insurgents by his exhortations; the *fetva-eminî* Nuri Efendi was also at the scene trying to calm the situation. Ali Cevdat Bey described that “the *Şeyhülislâm* and I went out but there was no place where we could be seen above the crowd. A couple of chairs were passed hand in hand from a nearby coffeehouse. We placed them side by side next to

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<sup>668</sup> David Farhi, “The Şariat as a Political Slogan: Or the ‘Incident of the 31st Mart,’ ” *Middle Eastern Studies* 7, no. 3 (October 1971), p281

<sup>669</sup> Ahmad, *The Young Turks*. p128

<sup>670</sup> Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*.p237

<sup>671</sup> McCullagh, *The Fall of Abd-ul-Hamid*.p68 McCullagh explains “Instead of condescending to ask the Shiekh-ul-Islâm and the Liberal hodjas to counteract the reactionary agitations of the softas, they ran full tilt against hodjas of all descriptions.

a lamp post and got on them.”<sup>672</sup> The *Şeyhülislâm* harangued the soldiers that the Sharia was permanent and the Sultan was Caliph. He urged them not to listen to those who were diverting them.<sup>673</sup> A delegation of ulema at an instant advanced in the direction of the crowds that they would quieten the public so that no bloodshed would take place. All the military and the cabinet could do was wait and hope that the ulema could subdue the mutineers. The cabinet had been criticised for its tepid response but it was bloodshed and further chaos that everyone feared. A western observer’s account of the time explained what the ulema did.

When we were at Monastir we saw the assassins of our relatives walking about unmolested. We put up with all this as the Absolutist regime prevented us from doing anything to remedy it. Our officers said to us : ' Absolutism will disappear. The Sheriat will be applied and all the commands of the Sacred Book will be executed.' We listened to them and thus it came to pass that we established, at the risk of our lives, the Constitutional regime. But to-day we see that the Sheriat is far from being carried out. People are killed and the murderers are concealed." This was a reference to the murder of the Serbesti editor. " Where is the Sheriat ? Why don't they discover the murderer and execute him ? Does not the Koran ordain the punishment of death in such a case ? It is, then, the Sheriat and justice that we ask for to-day. If we must stay here a month in order to see the Sheriat applied, we will stay. We have enough money to buy food for ourselves "—(here the orator drew from his pocket a handful of gold pieces which, with all due respect to him, I don't think he managed to save out of his pay, while another soldier remarked with conviction that " Our good father will not let us go hungry ")—'\* we are ready to sacrifice our lives for the Sheriat and for justice." Meanwhile, however, the soldiers cheered for the Constitution, and cries of " Yashassin Millet . ' " (\*\* Long live the Nation ! ") were sometimes heard amid cries of " Yashassin Sheriat Peicamberi ! " (" Long live the Law of the Prophet! ") and " Sheriat Isteriz !" ("We want the Sheriat ! ") <sup>674</sup>

Francis McCullagh explains:

Not only were the ecclesiastics (rendered conspicuous by their turbans and their flowing robes) numerous in the Square itself, but a turbaned head seemed to project out of almost every one of the innumerable little windows in the medresseh or ancient theological colleges attached to S. Sophia's. The great bulk of the ecclesiastics present had joined the troops in the Square towards 1 p.m. and their entry had been one of the most dramatic events of the day. First a single trumpet sounded, then began the solemn march of the ulemas, who, starting from the neighbourhood of Sultan Mahmuds tomb, slowly directed their steps towards the mosque of S. Sophia. They marched in a close column, their

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<sup>672</sup> Swenson, *The Young Turk Revolution*.p357.

<sup>673</sup> Ibid.

<sup>674</sup> McCullagh, *The Fall of Abd-Ul-Hamid*.p103. A similar narrative can be found in Sohrabi in Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*. p242.

attitude was imposing, as befitted that of religious chiefs, and they were escorted by troops who paid them the greatest reverence. On the outskirts of S. Sophia's Square another trumpet sounded, whereupon the mutineers prepared to receive the ulemas, who now advanced chanting sacred hymns and followed by the students of the medresseh Bayazid and of several other institutions where Mussulman theology is taught. Most of these ulemas seemed to have come in order to persuade the soldiers to refrain from murder and pillage (at least they said so themselves after Shefket Pasha had captured the city). But being at the time under the impression that they had joined the reactionaries.<sup>675</sup>

With the crowds still remaining in the streets of Istanbul the *Cemiyet* issued a statement affirming that the constitutional government was in line with the precepts of the Sharia.<sup>676</sup> The ulema stressed on heeding the advice of the competent ulema and pointed to the deputies in Parliament to continue with their task. In a further manifesto published the next day the Ulema criticised the *Volkan's* statement that it was 'within the authority of the Sultan to close Parliament today or abrogate the Constitution'.<sup>677</sup> The ulema accepted that indeed the decrees of the Sultan as Caliph were to be obeyed but that these rules should not be contrary to the Sharia, and that to abrogate the constitution was contrary to the Sharia.<sup>678</sup> The ulema of the *Cemiyet* had at this point clearly distanced themselves from the Muhammadan Union and its position, and secondly insisted that the constitution was above the prerogatives of the Caliph. By stressing that the abrogation of the constitution was against the Sharia the ulema had made clear that the constitution was never to be abrogated, unlike 1876/1293. On April 17 the *Cemiyet* made heir first declaration:

We are informed that certain deputies, fearing for their lives, wish to resign, while on the other hand, the public fears the return of despotic rule. The committee of the Ulema, which has never doubted that the constitution is in entire conformity with the sacred law, and has not forgotten the burning of Islamic books at the Gülhane in the days of absolutism, will defend the Constitution, which is in conformity with the Sheriat, to the last, aided by the army and Parliament. Its members confidence of the Deputies, Moslem and non-Moslem alike, save such as have resigned of have fled , and are thereby considered to have resigned. Deputies, therefore, are informed that henceforth those who resigned will be considered traitors. Let them do their duty justly and honourably, and they may be sure of the support of the nation and the spiritual aid of the Prophet. We beg the glorious army to maintain order and discipline, following the counsels of the Ulema, for the country and happiness in this world and

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<sup>675</sup> McCullagh, *The Fall of Abd-Ul-Hamid.*, p101

<sup>676</sup> Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran.* p247.

<sup>677</sup> Ibid.

<sup>678</sup> Farhi, "The Şeriat as a Political Slogan: Or the 'Incident of the 31st Mart.'"p289.

the next.”<sup>679</sup>

It is worth of note how the idea of the burning of religious books is mentioned in the first declaration of the *Cemiyet*. Ahmet Midhat also criticised the burning of books in which he said; “Even religious books were not spared, the cruelty of the old regime! A lot of books like *Mülteka* (Fiqh books, mainly Hanafi) were banned or not given permission to be re-printed and the existing copies were collected. It was obvious that cruelty does not last forever and the regime would collapse”. While the point of book burning may seem trivial, its importance is that this complaint appears in the *hal fetvası* to remove Sultan Abdülhamid II.<sup>680</sup>

In a manifesto issued by the *Cemiyet* in Edirne on April 17, the *Cemiyet* said that the consultation (*Meşveret*) was the right of the Muslim Community vis-a-vis its government. The depraved actions of the soldiery in Istanbul, aided by the Sultan's spies disguised as ulema, had caused Istanbul to be turned into a 'second Kerbela'.<sup>681</sup> The idea of the spies disguised as ulema would also be mentioned again in Hamdi Yazır's accounts in the commotion that occurred in the parliament. On April 18 the *Cemiyet*, at the request of the All Action Army attempted to speak to the soldiers to put an end to the revolt and made a second declaration:

... Our country has been greatly weakened by the severe illness of the period of tyranny. Now, in the present situation, when the sick man is practically dying, you must not disturb him while using the most sanctified words.... Let us display the ability and strength to entrench the position of the *Şeriat* when the Homeland reaches a safe haven. Indeed, without upholding the *Şeriat* it is impossible to reach such a haven.... Hence if you want *Şeriat*, that is a good thing. We want the same thing as you: why else do we toil day and night? Why did we spend our lives in medreses? Have we not made great efforts to enhance the standing of religion and defend it since the emancipation from oppression? Have you not seen the campaign that our paper *Beyan'ül-Hak* is waging? O God, did the Ulema ever venture to publish a newspaper in the period of oppression? . .<sup>682</sup>

In a manifesto published on April 20 the *Cemiyet* openly called for the banning of the Society for Muhammedan Union, since it had arrogated to itself a task with which it had not been charged, namely, the defense of the Sharia. The ulema forbade the reading of *Volkan*. Two days later on April 20<sup>th</sup> the *Cemiyet* once again openly called for the banning of the Muhammadan Union. The *Cemiyet* in its manifesto had staked

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<sup>679</sup> The Revolution in Turkey, The Times, (London), April 17, 1909

<sup>680</sup> Kara, *İslâmcıların Siyasî Gorusleri*.pp27-29

<sup>681</sup> Farhi, “The Şeriat as a Political Slogan: Or the ‘Incident of the 31st Mart.’” p289.

<sup>682</sup> Ibid. p289.



the claim that it was the guardians of the Sharia, the fact that the Muhammadan Union made the claim also naturally created a clash.<sup>683</sup> For the ulema it was only they who could indulge in matters of the law. But whether the Union implied the law or simply the idea of the Sharia as a value system is hard to distinguish. But the *Cemiyet* was unwilling to allow anyone outside the ulema ranks to make such a claim as they also forbade the reading of the *Volkan*. The *Cemiyet* had clearly staked their position. The *Cemiyet* with Mustafa Sabri as its figurehead clearly distanced themselves from the Union and from this moment onwards their criticism of Sultan Abdülhamid increased.

### **The Chaos in Parliament Building**

While on the streets of Istanbul the ulema were working effortlessly to defuse the situation which had created much chaos, a second important event was taking place within the parliamentary building. Many of the parliamentarians had fled, especially the members of the CUP, with Hüseyin Cahit and Ahmed Rıza, singled out by the mutineers. As the *Şeyhülislâm* Ziyâeddin Efendi had ordered the ulema to pacify the crowd he along with other members of the ulema were to deal with a group of mutineers who had stormed the parliament building taking their demands to the *Şeyhülislâm* to relay to the cabinet and Sultan. The situation like the streets was covered in confusion as Hamdi Yazır another key member of the *Cemiyet* and parliamentarian relayed his accounts in the *Beyan'ül-Hak* regarding the events in the parliament building. Hamdi Yazır explained that the ulema were invited to the parliament building to ask the soldiers what their demands were. The ulema who totaled about 80 were on one side of the building and the MP's on the other. It was felt that the soldiers would not attack the ulema and that they were the brokers of choice.<sup>684</sup> However as Hamdi Yazır explains the ulema themselves were unsure what the soldiers were going to do as many of the ulema were in a state of fear.<sup>685</sup> There was an element of surprise by the MP's and soldiers of the ulema's presence in

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<sup>683</sup> PRO. F.O. 371/771/15582, *Sir G. Lowther to Sir Edward Grey*, Constantinople, April 26, 1909.

<sup>684</sup> It is worth of note that Hamdi Yazır gave voice to Rasim Efendi, especially since Hamdi was seen as a CUP representative. Küçük Hamdi, "31 Mart Hadisesinden," BH, June 28, 1909 see also Elmalılı Hamdi Yazır, *Meşrutiyetten Cumhuriyete Makaleler Din - Felsefe - Siyaset - Hukuk*, trans. Asım Cüneyd Köksal and Murat Kaya, 2nd ed. (Klasik Yayınları, 2013).pp110-14

<sup>685</sup> Ibid.

parliament, as the ulema themselves were confused on their invitation to the parliament as confusion and mistrust was set into the minds of everyone. Some members asked whether they should do nothing, as discussions were taking place on the next course of action. Hamdi Yazır stressed that the ulema were not at the parliament in opposition of the assembly but simply to calm the soldiers and hear their demands.<sup>686</sup>

The *ālim* Rasim Efendi was asked to state the claims of the mutineers. There was a sense of confusion in the air, especially as Hamdi Yazır stressed that there were ‘strangers’ in the building.<sup>687</sup> Hamdi Yazır continued that the mutiny was in fact a coup attempt against the constitution, as it was stated that to not want the constitution is to not want Islam, a claim that resonated with the opinions of the CUP. According to Hamdi Yazır who was present, Rasim Efendi who had spoken on behalf of the mutineers, was not a member of the mutiny, but was trusted by the soldiers to put their claims across.<sup>688</sup> But as frustration grew, even he was shouted over as the soldiers started to suspect everyone. One bearded soldier optimised the resentment created by the CUP’s reforms as he proclaimed “ many injustices have been enacted upon the soldiers after the constitutional revolution. Although I fought for the Sharia in wars, I have lost my position [as cadro]”.<sup>689</sup>

The *Şeyhülislâm*, and the ministers hurried to the parliament to learn of the demands, which were presented in five articles. The first, second, and fifth of these asked for the resignations of Minister of War Rıza Pasha and Prime Minister Hilmi, which in effect meant the fall of the cabinet; the expulsion of five prominent Unionist statesmen and journalists (according to *Volkan*, these were Ahmed Rıza, Hüseyin Cahid, Rahmi Bey, Talat Bey, and Şakir Bey); and a guarantee of immunity from punishment and responsibility for the incident. The third demand which was restoration of Sharia, however it wasn’t mentioned what that entailed. The fourth asked for the banishment and change of their superior educated officers the reassignment of the fired ranker officers who were treated unjustly. Also heard were cries against the harsh new Prussian style of discipline and training, which had forced

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<sup>686</sup> Ibid.

<sup>687</sup> The strangers were probably the fired spies.

<sup>688</sup> Kamāl, *The Memoirs of Ismail Kemal Bey*. p333. According to İsmail Kemal, Rasim Efendi went into a tribune and delivered a violent speech against the Committee, the President of the Chamber and their adherents, describing their act and policy as anti-religious, anti-patriotic, and contrary to morality and the decency dictated by religion and the traditions of natural life. This however is rather different from Rasim Efendi’s own account.

<sup>689</sup> Küçük Hamdi, “31 Mart Hadisesinden,” BH, June 28, 1909

soldiers to ignore the call for prayer and religious ablutions, time honored rites.<sup>690</sup> Not once were any of the demands of the mutineers against the constitution. It was clear that the mutineers were simply complaining about their conditions and treatment. One would have to conclude that the movement in actuality was never a movement that was anti-constitutional in any shape. Nor did the demands of the revolt resonate with some of the ideas that the *Volkan* press had been accused of. Instead the only thing that was linking the *Volkan* press with the mutineers was its anti-CUP stance and the demand for the Sharia. With justice being a slogan of religion, the mutineers were attaching their felt injustices to equate that religion was not being applied. Much of the ulema press had suggested that the new consultative government would equate to 'justice'. Much of the literature also pointed to the justice emanating from the precepts of the religion. In this case, if people were feeling a sense of injustice, what was it that wasn't being applied? Was it the constitution or the religion? With the constitution now firmly entrenched within Islamic discourse, the charge was that even though there was a constitution and that consultation was being applied, nonetheless, if it was unjust then surely that would suggest that there was an absence of the ethos of religion in the constitutional order. It was the return to this order that we see the appeal made. The soldiers' demands were in actuality mobilised for the link between Islam and the constitution.

After the arrival of the All Action Army to the imperial capital, the mutiny gradually defused its aggression as the stakes became high and no actor in actuality wanted civil unrest in the capital. The rebels had already conceded defeat and had somewhat surrendered once they were promised by both cabinet and the Sultan that their demands would be met. In particular, they were also promised that no reprisals against the mutineers would be made, however this promise was not to be fulfilled. Once the CUP returned with the knowledge that the support of the military and mainstream ulema was in support for the constitutional government and no change would be made regarding the dissolution of parliament the CUP went on a campaign to arrest all those who had participated in the events. The writers of the *Volkan* were swiftly arrested, in which Derviş Vahdeti, Said Nursi and Ömer Ziyâeddin Dağıştânî were all arrested for hearing. It wasn't simply members of the ulema aligned with the Muhammadan Union who were arrested, such was the environment that the policy was wide sweeping and members of the ulema were all viewed with the eye of

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<sup>690</sup> Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*.pp239-240

suspicion, such was the blurring of lines and more significantly CUP paranoia. More importantly a host of soldiers and *softas* were rounded up as many were either executed or sent into exile. Derviş Vahdeti was executed, even though he had continued to stress his innocence, while Nursi and Dağıstânî were freed, nonetheless, they were no longer to continue their political activity in Istanbul. In the provinces the government also presented a harsh tone, many of the rioters in the Adana province were also detained and executed including the hocas.<sup>691</sup> In Damascus many members of the old ulema class were to face recriminations. The events in Istanbul caused the dissolution of the Muhammadan Union in Damascus, and its supporters became weakened as the leadership either withdrew from activity or were arrested. At the end of May the Union's leadership in Damascus was also arrested and sent to Istanbul to have their day in court. In particular Salih al-Tunisi, an old supporter of the Sultan and Muhammadan Union fled after being arrested. The Muhammadan Union was no more in Damascus.<sup>692</sup>

The incident didn't leave anyone unscathed. Hoca Rasim Efendi who had become the unofficial spokesman for the mutineers was arrested for his part in the incident and sent into house arrest and exile. While he was probably caught up in the events, the CUP were unwilling to take any risks as many ulema were brought to the tribunal as much confusion continued. The term *irtica* became widespread as many were simply considered as reactionaries. It is from this position that much of the narrative has been presented. Rasim Efendi's account is also worth of note. He explained that while the CUP was trying to blame everyone else, the religious, political and social conditions of the 31<sup>st</sup> March incident happened under the conditions of the *Meşrutiyet*. According to him this is why the CUP placed much emphasis on '*irtica*'. Thus the CUP needed to be vindicated condemning any opposition as reactionary, especially citing that this was a return to Hamidian *istibdaat*. Hoca Rasim Efendi also provides insight into his court proceedings and how Mûsa Kâzım's testimony to some effect saved him. But he didn't hesitate to criticise Mûsa Kâzım as it becomes clear in his writings the strain the events had placed upon unity within the ulema ranks.

Hoca Rasim Efendi writes that while being interrogated in court Mûsa Kâzım had told the authorities he was a friend. Mûsa Kâzım continued that Hoca Ahmed

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<sup>691</sup> Hodja Akif Effendi, "convicted of having distributed seditious writings to the mutineers and of having encouraged them in their revolt "in McCullagh, *The Fall of Abd-ul-Hamid*.p101

<sup>692</sup> Commings, *Islamic Reform*.p133

Efendi was a hero of the 31<sup>st</sup> March incident of which Hoca Rasim Efendi was grateful. But he also had words of criticism for Mûsa Kâzim as he couldn't understand why he had remained silent on many occasions and was particularly frustrated that Mûsa Kâzim called the events an *irtica*. He felt only in the eyes of the CUP were the events an *irtica*.<sup>693</sup>

His attack on the CUP was the most stinging in which he says that the CUP acted illegally out of the three branches of the state and that their acts and actions could not be scrutinised or criticised, as they changed the way the state was being managed. He stressed that the CUP brought an oligarchy to the *Meşrutiyet*. He continued that when the soldiers came to him complaining about not being able to pray and that training was prayer he gave his infamous speech in defence of the soldiers who were complaining as he argued it was this that forced him to ask what was happening regarding the *Meşrutiyet*.<sup>694</sup>

The All Action Army had consolidated order, but the environment continued to be tense and the ulema, fearing of further recriminations were caught up in a reactionary campaign of a sort of the CUP as no *âlim* felt safe in the streets of the capital. In order to pacify aggression towards the ulema, many ulema withdrew their visibility once more from the activism of the last seven to eight months. The *Beyan'ül-Hak* stopped publishing so that the ulema could consolidate and the government could appreciate that the ulema were not behind the events. So frustrated had the ulema of seniority become by the events that their opinions of the mutineers had become extremely harsh. The CUP on the other hand felt that reprisals were indeed necessary. If the events had proven anything it was that the CUP had still not consolidated authority. It is indeed true they had become the most dominant and organised faction during the last eight months, but nonetheless, this dominance was simply based on the weakness of other political factions to deal with the new political environment as many actors were still coming to terms with the new political culture. Not only this, many actors who held views contrary to the CUP had also joined the CUP ticket as that was the only viable option of the time. Many members of the ulema, especially those who were members of the *Cemiyet* and had become elected parliamentarians had also been elected as CUP members. This alliance was not out of some strong conviction, but rather an alignment of necessity and reality that was soon

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<sup>693</sup> Küçük Hamdi, "31 Mart Hadisesinden," BH, June 28, 1909

<sup>694</sup> Ibid,

to change after the events of the Counter-revolution. If July 1908/1326 had re-orientated networks and factions to come together for a common cause, 1909/1327 would once again re-orientate newer political relationships as the ulema and CUP's relationship not only in the capital but also in the provinces started to become strained.

For the CUP the prosecutions were deemed necessary if they were to be perceived as a viable authority. But the executions and mass exile had left a bitter taste in the mouths of many. The CUP were worried about continual contestation of their authority, more importantly never again could they allow such a scenario to take place. Thus in the coming months the CUP would pass laws that would curtail the new found press freedom, the opportunity to strike or protest. The Sublime Porte was weakened, as Kamil Pasha's faction was marginalised along with the Liberal Entente. It was simply a matter of time that the Sultan himself was now to become the next victim, as although it was accepted that the Sultan was not the originator of the revolt nonetheless he was a symbol of it.<sup>695</sup>

## The Sultan Deposed

According to a British report a publication by a Mustafa Âsım in the Hilal newspaper would make the claim that the Sultan was no longer fit to lead the *devlet*.<sup>696</sup> It had been argued earlier that the constitutional regime was not against the Sultan and that these were simply rumours to weaken the constitutional cause. Rumours they may have been, but there was merit in this fear as many CUP members had voiced opinion in the Western press and to the British of wanting to remove the Sultan. As the events of April had drawn to an end, the emotion was still rife, and the Hilal newspaper article provided Quranic evidence to suggest that 'His Imperial Majesty had never been Caliph of the Faithful.'<sup>697</sup> So aggressive and forceful was the language that the

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<sup>695</sup> PRO. F.O. 371/770/14560, *Sir G.Lowther to Sir Edward Grey*, March 29, 1909.

<sup>696</sup> Farhi, "The Şeriat as a Political Slogan: Or the 'Incident of the 31st Mart.'" p291. I was unable to locate the original to check if the person in question was indeed Mustafa Âsım.

<sup>697</sup> PRO.F.O.371/771/13941/1512, *Sir G.Lowther to Sir Edward Grey*, Constantinople, April 22,1909. McCullagh reports that an alim wrote 'Let each Musalman [sic] rest convinced that, in virtue of the Sheriet and holy laws of the Koran, Abd-ul-Hamid can never have been the real Caliph of the Believers. All those that can see in Abd-u-Hamid the real Caliph are quite ignorant of the laws of the Sheriet or act opposite to them'. In McCullagh, *The Fall of Abd-Ul-Hamid*.p135.Farhi says that the Meclis-i Vükelâ decided to take legal action against the paper, and soldiers were sent to check the

writing was on the wall and the fait of the pious Sultan was probably sealed. The British ambassador had noted the events such:

An anonymous but very significant paper appeared to-day quoting portions of the Coran against the Sultan's claim to the Caliphate saying that prayers for him cannot be offered by any Moslem. It is inferred by some from this that at Friday's prayers there may be objections to mentioning the Sultan's name. The paper in question is supposed to emanate from a khodja member of the Committee and Parliament.<sup>698</sup>

As both chambers met there was much accusation against the Sultan as the President appealed to the Assembly to adhere to the religious and civil law. The arguments presented against the Sultan were as follows.

1. That His Majesty had withdrawn an immense sum of money from Europe only a few days previously, suggesting that the Sultan had paid the mutineers.
2. That the revolted soldiers were notoriously well supported with money, and
3. That no authority but his could have sufficed to restrain the troops, who were for two days absolute masters of the town, from committing all kinds of excess.<sup>699</sup>

The only way to depose the sultan was with a signed *fetva* by the *Şeyhülislâm*, Ziyâeddin Efendi who had been only *Şeyhülislâm* for six months. He was personally recommended on a three-man shortlist by the outgoing *Şeyhülislâm* Cemaleddin Efendi. It could have been for this reason that Ziyâeddin Efendi received much critique in parliament regarding the corruption of the office of *Meşihat*.<sup>700</sup> It was widely accepted that the *Şeyhülislâm* was a good man. However, in his six months he became exposed to the culture of parliament and the critique of his position, the Counter-revolution and then the matter of deposing Sultan Abdülhamid. It would have been unthinkable for the generation of ulema who were senior statesmen to move to depose the pious Sultan of the last three decades. Indications were already in the air that preparations were being made to depose the Sultan. First Sahib Molla a

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offices. p299. But he also says that Sahib Molla a deputy and âlim presented to the President of the National Assembly the draft of a legal question concerning the deposition of the Sultan. p291.

<sup>698</sup> PRO.F.O 371/546/15123 *Sir G.Lowther to Sir Edward Grey*, Constantinople, April 22, 1909.

<sup>699</sup> PRO.F.O 371/546/15772 *Sir G.Lowther to Sir Edward Grey*, Constantinople, April 26, 1909

<sup>700</sup> Ali Fuat Türkgeldi, *Görüp İşittiklerim* (Ankara: Turk Tarih Kurumu, 1951). pp41-43

deputy and *âlim* presented to the President of the National Assembly the draft of a legal question concerning the deposition of the Sultan.<sup>701</sup> A great deal of pressure was first placed on Nuri Efendi to construct a state *fetva*, but he protested, claiming to be sick, and then he outright refused to do so. Nuri Efendi had been the *fetva-emini* who had rejected the Sultan's appeal to crush the rebellion in the Macedonian provinces; it was a reflection of his independence that also resisted the CUP and the *Cemiyet* to simply oblige to their overtures. Talat Bey along with Mustafa Âsım and Hamdi Yazır visited Nuri Efendi and insisted that Nuri comply, instead Nuri Efendi rather claimed that this was the job of the *Şeyhülislâm*. Finally, in a last ditch effort, Nuri Efendi resigned from his position, thereby preventing anyone from drawing up a *fetva* and presenting it to the *Şeyhülislâm*. Hamdi Yazır asked Nuri Efendi what he would do if an ordinary Muslim came up to him and asked him if it would be legally permissible to depose the sultan, not asking him in his capacity as *fetva-emini*, but as a famous member of the Ottoman ulema. At this point, Nuri Efendi continued to protest, but it was clear that Hamdi Yazır had won Nuri Efendi over with skill of the juristic culture: the *fetva-emini* could not prevent a Muslim from seeking a *fetva* from the *Şeyhülislâm* regardless of its contents.<sup>702</sup> It seems however that the *Şeyhülislâm* was still reluctant to pen the *fetva*.<sup>703</sup> Nonetheless, with the pressure from Talat Bey and the insistence of Hamdi Efendi the *Şeyhülislâm* and Nuri Efendi knew this was a struggle they were not going to win. The members of the CUP, Talat Bey and ulema of the *Cemiyet*, Hamdi Yazır and Mustafa Âsım, reflected the change of guard in authority. The seniority of the *Şeyhülislâm* and *fetva-emini* was now to be curtailed by the new power brokers of the ulema class, the *Cemiyet*. Along with Mustafa Sabri Efendi, Hamdi Yazır and Mustafa Âsım all graduates of the Fatih medressa network, were about to become key to the constitutional amendments after the deposition. Ziyâeddin exhausted and probably mentally traumatised would later step down, to be replaced by pro-constitutionalists Molla Sahib Efendi and then CUP loyalist Mûsa Kâzım Efendi as the new *Şeyhülislâm*. One of Molla Sahib Efendi's first jobs was to

<sup>701</sup> Farhi, "The Şariat as a Political Slogan: Or the 'Incident of the 31st Mart.'" p299

<sup>702</sup> Gunasti, "Approaches to Islam in the Thought of Elmalılı Muhammed Hamdi Yazır." pp27-28

<sup>703</sup> When Nuri Efendi had declined to produce the *fetva* citing that this was solely the prerogative of the *Şeyhülislâm*, it is said that Talat Bey ignored this excuse and insisted that he be present. He next went to the *Şeyhülislâm*'s office and proposed that the *Şeyhülislâm* accompany him to the session. The *Şeyhülislâm* tried to excuse himself by saying "I cannot go, I am ill." "What is the matter Talat asked" "I cannot hold my water," replied the *Şeyhülislâm*. "Sir, said Talat, "I will bring you to this deposition even if I have to carry you and even if you wet your pants after you get there. Bring a bedpan with you." They departed together for the meeting as there was no hiding place for the *Şeyhülislâm*. English in Swenson, *The Young Turk Revolution*. p400, original in Türk geldi, *Görüp İştiklerim*. p36.



prepare for distribution in every town and village of the *devlet* a manifesto demonstrating from the Quran and from the traditions that it was a duty for all good Muslims to treat Christians with justice, and regard them as fellow citizens with equal rights.<sup>704</sup> A new era of state bureaucracy was about to unfold, but a new era of state-ulema relations was also to transpire also as the *Cemiyet* became the go to group for the Islamic matters pertaining to constitutionalism.

Prior to the opening of the session the religious and political officials met at the office of the President of the Chamber to prepare a draft. The *Şeyhülislâm*, Nuri Efendi, Mustafa Âsım and Hamdi Yazır, along with the Grand Vizier and the President of the Senate were all in attendance. The draft stated that according to traditional Islamic usage the decision by the *ahl al-ḥall wa'l-'aqd* (the people with the power to loosen and bind) the Sultan was deposed. Nuri Efendi however, took exception to the outright deposition of the Sultan.<sup>705</sup> It was clear that Sultan Abdülhamid still maintained much respect among the seniority of the Ottoman political and religious class. It goes some way of explaining that irrespective of the critique that he was facing, his person still was surrounded by an aura of inviolability. After Nuri Efendi's protestation a new *fetva* was drafted which provided the choice of deposition or abdication and left the final decision to the Grand National Assembly. Along with the phrase, "the people that loosen and bind" the qualifier, "and the administrators of public affairs" was added to the final version of the *fetva* thus empowering the parliament as the institution of the *ahl al-ḥall wa'l-'aqd*.<sup>706</sup> The *fetva* was written as such:

Question: If Zeid<sup>707</sup>, an Imam of the Moslems, removes and causes to be removed from a book of the

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<sup>704</sup> The Sydney Morning Herald, 'Toleration in Turkey-Manifesto to Moslems Treatment of Christians', London, July, 1909. Moroni says that these *beyanname* were sent all over the provinces in Arabic, Turkish and Persian see in Ileana Moroni, "Continuity and Change in the 1909 Constitutional Revision: An Ottoman Imperial Nation Claims Its Sovereignty," in *The Young Turk Revolution and the Ottoman Empire - The Aftermath of 1908* (London: I.B.Tauris, 2017).p 275 İsmail Kara also presents some excerpts in Turkish in Kara, *İslâmcıların Siyasî Görüşleri*. p40.

<sup>705</sup> Türkgeldi, *Görüp İştiklerim*.pp35-36

<sup>706</sup> Swenson, *The Young Turk Revolution*; p401, Türkgeldi, *Görüp İştiklerim*; 41-43, Gunasti, "Approaches to Islam in the Thought of Elmalılı Muhammed Hamdi Yazır." p28, Farhi, "The Şariat as a Political Slogan: Or the 'Incident of the 31st Mart.'"p293

<sup>707</sup> Zeid simply means if person x. The style of a general *fetva* is not to name a person but to present a situation in which an opinion is given. The *fetva* although not legally binding was presented as a proof that an act was permissible in accordance to the Sharia. State *fetva*'s became an important institutionalized feature in the Ottoman Empire to apply pressure on government, especially regarding depositions of Sultans. This was not a typical *hal'* *fetva* (Deposement *fetva*). The *fetva* provided two positions *feragat* (abdication) or *hal'* (deposition). Nuri Efendi left these options in the hands of the parliament as both he and Ziyaefendi did not want to take responsibility of the decision, thus placing the decision in the hands of the Parliament.

Sheriat certain questions of the law of the Sheriat, and prevents the circulation of the aforesaid book and causes it to be burned and destroyed by fire;

And if, after, slaying and imprisoning the persons of his subjects without legal cause, and after having exiled them and committed other acts of injustice, he swears and takes an engagement to return to the way of peace, but nevertheless perjures himself;

And if he causes bloodshed, and the Moslems succeed in destroying the despotism of the said Zeid, and from many regions of Islam come tidings that they consider him dispossessed of the Throne, and it be proved that his existence as Imam is harmful, while the country will gain peace and concern by his deposition;

And if, in consequences, those in whose hands is the power to bind and to loose and those in whose hands is public affairs consider it preferably to propose that the said Zeid abdicate the Throne and the Khalifate, or if they decide to dethrone him;

May they put into practice one of these two alternatives?

Answer--- Olur (It is permitted)

Written by the humble Syed Mahomed Zia-ed-Din, God be gracious unto him.”<sup>708 709</sup>

The *fetva* was provided but now Talat Bey took the *fetva* as one final last act to the National Assembly. When the proposition was put forward to the house of the choices to allow the Sultan to abdicate or for Parliament to depose him, there was a chorus amongst some who chanted in chorus “depose, depose!”.<sup>710</sup> However the role of the ulema was unclear and many either supporters of the Sultan or in respect of him as Caliph remained silent. Talat Bey then suggested that those in favour to stand.

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<sup>708</sup> “The Deposition of Abdul Hamid” The Times (London) April 28 1909.

<sup>709</sup> The Turkish text can be found in the *Sırâtı-müstakîm* dated 3 May 1909. It was not published in the *Beyan’ül-Hak* even though the *Cemiyet* had endorsed it due to the fact that the *Beyan’ül-Hak* had stopped publishing for two months due to the controversy surrounding the 31<sup>st</sup> March incident. The *fetva* read. But it is worth of note that the *Cemiyet* members were behind its writing.

ABDÜLHAMÎD-İ SANÎ’ NİN HAL’ İNE DAİR, TARAF-I MEŞİHAT-I CELÎLEDEN VERİLEN, FETVA-YI ŞERİFENİN SURETİDİR:

*İmâm-ı müslimîn olan Zeyd ba’ z-ı mesâ’il- imühimme- işer’ iyyeyikütüb-işer’ iyyeden tayy ü ihrâc ve kütüb-i mezkûreyimen’ ve hark u ihrâk ve Beytül- mâldeteb -zîr ve isrâfla mesûg-ı ser’i hilâfında tasarruf ve bilâ sebeb-i şer’i katl ü habs ve tağrîb-i ra’iyye vesâ’ir gûne mezâlimi i’tiyâd eyledikten sonar salâha rucû’ etmek üzere ahd ü kasemetmişken yemîninde hânis olarak ahvâl ve umûr-ı müslimîni bi’l- külliyye muhtell kılacak fitne-i azî-me ihdâsında isrâr ve mukatele îka’ etmekle mene’a -i müslimîn Zeyd-i mezbûrun tegallübünü izâle etdiklerinde bilâd-ı Islâmîyye ’nin cevânib-i kesîresinden mezbûru mahlû’ tanidıklarına dâir ihbâr-ı mütevâlîyye vürûd edip mezbûrun bekasında zarar muhakkak ve zevâlinde salâh melhûz olmağın Zeyd -i mezbûra imâmet ve saltanatdan ferâgat teklîf etmek veya hal’ eylemek sûretler inden hangisi erbâb-ı hall ü akd ve evliyâ -yı umûr tarafından ercah görölürse icrâsı vâcib olur mu ?*

*el- Cevâb : Olur .--- Ketebehu ’l-fakir es-Seyyid Mehmed Ziyâeddîn- ufiye anhu*

<sup>710</sup> Swenson, *The Young Turk Revolution*.

However both members of the Meclis-Ayan and many members of the ulema remained seated. It is said that when Talat showed the assembly the *fetva* a number of the ulema remained seated, so Talat directed an indignant and direct glance in their direction and they stood up. He did the same to the Senators and they too arose. The consensus was reached, with a little persuasion, but with the assistance of the *Cemiyet*, and coercion of the *Meşihat* the Sultan was deposed, as a delegation of four, two non-Muslims and none from the ulema class told the Sultan the news of his fate.<sup>711</sup> The new Sultan and Caliph was sworn in by the *Şeyhülislâm* as a new dawn of politics had began.

The full *fetva* that was read to the assembly and was also published on May 9<sup>th</sup> for the Ottoman public in the *Sırâtımüstakîm*. The article constructed by the members of the *Cemiyet* published the *fetva* in the name of the *Şeyhülislâm* in the *Sırâtımüstakîm*. The journal would also go on to explain the need for the deposition and the events that followed during the incident. The article explained that during the fifteen days of the uprising that the Ottoman *devlet* during that moment had returned back to the period of *İstabdat*. The article argued that the ulema were indeed split with some supporting the mutineers and others clearly supporting the constitution. The critique was aimed at some of the ulema who were ignorant and demonstrated outside Hagia Sophia chanting that they wanted the Sharia (Şeriat isteriz!). However the journal gave special praise to the *Cemiyet* and the centrality of their action. The journal stated that when the army had not yet arrived the ulema's [*Cemiyet* and ulema supporters of the constitution] action was instrumental. The journal recognized that the *Cemiyet* had published declarations, but it recognized that the ulema were divided.<sup>712</sup> The journal had reflected the mood at the time, as it too harshly criticized the Muhammadan Union and the Sultan. It asked whether the Union were demanders of the Sharia or sarcastically wanted 'Hamidian Sharia' which they called 'Sharia Hamidi'.<sup>713</sup> The article continued that the Sharia had always been implemented and under the new constitutional governance it would flourish, but the Muhammadan Union wanted to return to despotism and the Sharia Hamidi. They were not demanding the true Sharia but the perceptions of the Sharia of the Hamidian period. It

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<sup>711</sup> Swenson. p402 see also "The Deposition of Abdul Hamid" The Times (London) April 28 1909,

<sup>712</sup> *Sırâtımüstakîm* "Abdülhamîd-i Sâni'nin Hal'ine Dâir Meclis-i Umûmî-i Millî Karârnamesindir" 3 May, 1909

<sup>713</sup> *Sırâtımüstakîm* "Abdülhamîd-i Sâni'nin Hal'ine Dâir Meclis-i Umûmî-i, in it is said if the Muhammadan Union wanted Sher'i Hamidi or Ahmedi (meaning the Sharia of the Prophet Muhammad)

was clear that the *Sirâtülmüstakîm* was drawing a line between Hamidian *İstibdaat* and the *Meşrutiyet*. The article laid the ground to legitimize the purge of the ‘reactionary’ elements in Istanbul as they were supporters of the Hamidian, referenced as Hamidians. It was clear that in order to never allow such a situation to arise in the capital again both the support base of the Sultan and the Sultan needed removing. Much of the Ottoman popular press started to support the deposition of the Sultan. The *al-Manar* and *al-Hilal* journals in the Arab provinces approved of the *fetva* on the grounds that Abdülhamid had not ruled by the Sharia.<sup>714</sup> Thus whether it were true or not, the Sultan’s days were numbered, and he himself would have recognised this. On April the 27<sup>th</sup> the political situation would reach its apex as the Sultan was dethroned. The central figures that day were the *Şeyhülislâm*, Ziyaeddîn Efendi, and the *fetva emini* the assistant to the *Şeyhülislâm*, Nuri Efendi. But the other key actors seem to be the representatives of the *Cemiyet*. The *Cemiyet* had managed to become a new force within the political and religious structure of the *devlet* and became central to all the events during the earlier period of the Second Constitutional Period. It was clear that throughout the Counter-revolution that the triumvirate of Mustafa Sabri, Mustafa Âsım and Hamdi Yazır had wielded much authority in the short period between the Revolution and Counter-revolution and in his opinion he probably thought the Counter-revolution was indeed an attempt to suspend the constitution. He would later argue that to contest the constitution was like a coup d’état, most likely being affected by the conditions of the Counter-revolution.<sup>715</sup> As the main actors of the *Cemiyet*, parliamentarians and authors in their journal the *Beyan’ül-Hak* they would effectively use the new tools of the changing state apparatus. They became critical of the Sultan and in particular the Muhammadan Union and *Volkan* press and it was there support that allowed the CUP to recriminate the Sultan and the Union. They would now take centre stage from this moment onwards.

From this moment onwards the CUP recognised the importance of the ulema and Islam. After the Counter-revolution, a trend of CUP politics recognised the importance of the mosques, and Muslim nature of the Ottoman domains which would have become ever more prominent during the *Tanzimat* and especially the Hamidian period. Around the Ottoman domains pledges of allegiance were given to the constitution and the Sharia, this was especially so in the Balkan provinces where the

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<sup>714</sup> Campos, *Ottoman Brothers*. p131.

<sup>715</sup> Yazır, *Osmanlı Anayasasına Dair - Kanun-I Esâsî “Nin 1909 Tadiline Dair Rapor ve Mehâkim-I Şer’iyye ve Hükâm-I Şer’ Kanunu Esbâb-I Mûcibe Mazbatası*. p59

Sharia's compatability with the constitution especially as this language was cited during the inception of the Revolution of 1908/1326.<sup>716</sup> The CUP had started to understand that they were working in conditions that were still very Muslim and Islam orientated.

## **Constitutional Amendments**

Most of the ulema had recognized that the Constitution of 1876/1293 was in fact politically conservative in nature. Although first initiated in 1876/1293 it could no longer cater for the new conditions of the *devlet*. The Muslim world as a whole had grown a consciousness that was no longer willing to adhere to authoritarian politics. The Constitution of 1876/1293 had provided a basis for authoritarian Sultanic authority and thus required some form of clarity and amendment. The constitution also needed to clarify the relationship between the Muslims and non-Muslims and the remit of the freedom the law was providing. The Constitution of 1876/1293 was indeed a conservative document, it was reflective of both the *Tanzimat* and Hamidian eras, even if the likes of Hamdi Yazır attempted to define the Hamidian as a break.<sup>717</sup> But by 1909/1327, both the world and the Ottoman *devlet* had changed considerably. The *Şeyhülislâm* Cemaleddin Efendi had earlier stressed in 1908/1326 that he believed the Constitution of 1876/1293 was a 'sham'.<sup>718</sup> The Sultan himself had continuously legitimized his actions based on the constitution, and that abrogating parliament was also his constitutional right. This was a prerogative supported by members of the ulema who were his supporters. The Sultan had understood the fine details and wasn't incorrect in his claims as the document of 1876/1293 did indeed provide him with such powers.

As early as January 1909/Dhul-Hijjah 1326 the parliament had made it clear of its desire to see the constitutional regime evolve, thus the procedure for the revisions of the Ottoman Constitution had been initiated before the Counter-revolution. In January the parliament asked Vitalis Ferarci Efendi to draft a report.

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<sup>716</sup> Clayer, "The Time of Freedom, the Time of Struggle for the Power: The Young Turk Revolution in the Albanian Provinces." p130

<sup>717</sup> Yazır, *Osmanlı Anayasasına Dair - Kanun-I Esâsî "Nin 1909 Tadiline Dair Rapor ve Mehâkim-I Şer"iyye ve Hükkâm-I Şer' Kanunu Esbâb-I Mûcibe Mazbatası*. p71. Hamdi Yazır explains how an objective of the Tanzimat was to facilitate constitutional governance that was stopped by 30 years of Hamidian istibdat, only for his objective to be achieved once again.

<sup>718</sup> Buxton, *Turkey in Revolution*. pp170-171

The report was accepted for the need for constitutional revisions, with a second report following on the 3<sup>rd</sup> of May 1909/Safar 11, 1327.<sup>719</sup>

It was clear that permitting absolute authority in the hands of one person – the Sultan, was not only arbitrary but it also restricted the sole objective of the consultative process invested in parliament, it also undermined the idea of basing governmental post on a merit-based system and instead continued to reflect a system of patronage that so many had come to despise. By the end of the Counter-revolution any doubts of constitutionalism were finally suppressed as the question no longer evolved around a discussion of the merits of the constitution, but rather what type of constitution. These discussions on the constitution would also lead to the questions surrounding the nature of the Caliphate and Islam as the Hamidian state had centred its policy towards Muslims in and outside the *devlet*. Susan Gunasti expressed that the Constitution of 1909/1327 was an ‘Islamicising’ of the constitution by adhering to increase Islamic precepts during its construction.<sup>720</sup> Ileana Moroni explains that it should be noted that the revisions of 1909/1327 strengthened the Islamic character of the Ottoman state.<sup>721</sup> It seems evident that the ulema who had managed to become part of the new state apparatus where attempting to strengthen the image of the Ottoman *devlet* within the precepts of their scholarly tradition of their time and worldview.<sup>722</sup> An ulema committee was given the responsibility to re-evaluate the constitution and make the necessary proposals and possible amendments among more Sharia compliant lines.<sup>723</sup> <sup>724</sup> It should not come as a surprise that the ulema were an

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<sup>719</sup> Moroni, “Continuity and Change in the 1909 Constitutional Revision: An Ottoman Imperial Nation Claims Its Sovereignty.” p269

<sup>720</sup> Gunasti, “Approaches to Islam in the Thought of Elmalılı Muhammed Hamdi Yazır.” p125

<sup>721</sup> Moroni, “Continuity and Change in the 1909 Constitutional Revision: An Ottoman Imperial Nation Claims Its Sovereignty.” p273

<sup>722</sup> Yazır, *Osmanlı Anayasasına Dair - Kanun-ı Esâsî “Nin 1909 Tadiline Dair Rapor ve Mehâkim-i Şer”iyye ve Hükkam-ı Şer’ Kanunu Esbâb-ı Mûcibe Mazbatası*.

<sup>723</sup> Meclis-i Meb’ûsan Zabıt Ceridesi, Devre 1, İçtima Senesi 1. 1488

<sup>724</sup> A list of names are found in the commission of the *Kanun-ı Esâsî’nin Ta’dil Olunan Mevâddi Hakkında Encümen Tarafından Kaleme Alınan Esbâb-ı Mûcibe Lâyihası* which show members from provinces around the Ottoman domains which also included ulema, Arabs and non-Muslims. Mustafa Sabri, Mustafa Âsım and Elmalılı Hamdi Yazır are a part of the drafting committee as parliamentarians for İstanbul, Tokat and Antalya. The following is the list: Encümen Reisi Karesi Mebusu Şefik, Zabıt Kâtibi İstanbul Mebusu Ahmed Nesimi, Zabıt Kâtibi Gümülçine Mebusu İsmail, Mazbata Muharriri Antalya Mebusu Hamdi Antalya Mebusu Ebuzziya Tevfik, Berat Mebusu İsmail Kemâl, Kastamonu Mebusu İsmail Mahir, Tekfurdağı Mebusu Agop Babikyan, Kırkkilise Mebusu Emrullah, Manastır Mebusu Teryan Nali, Kengiri Mebusu Tevfik, İstanbul Mebusu Hüseyin Cahid, Niğde Mebusu Hayri, Beyrut Mebusu, Rıza Sulh, Haleb Mebusu Rifat, Yemen Mebusu receb Tahir, konya Mebusu Sâlim, Üsküb Mebusu Saîd, Kudüs Mebusu Saîd, İzmir Mebusu Seyyid, Tokad Mebusu Mustafa Sabri, Haleb Mebusu Ali Cenânî, Adana Mebusu Ali Münif, Amasya Mebusu Ârif Fâdıl, Tekfurdağ Mebusu Âdil, Mersin Mebusu Ârif Hikmet, Haleb Mebusu Mustafa Azâ, Kırkkilise Mebusu Mastafa Ârif, İstanbul

integral part of this process as they were during the construction of the first constitution, the constitution was deemed as the fundamental law (Kanun-i Esasi) which was part of the ulema's jurisdiction. A closer examination of the members of the ulema on the drafting committee also points to mainly members of the *Cemiyet* and only ulema members of parliament such as Mustafa Sabri, Hamdi Yazır and Mustafa Âsım. The three were an integral part of the drafting committee in 1909/1327. For Moroni many of the Committee's members including the ulema had opposed the Hamidian regime. Thus for her when they made arguments even from the position of religion theirs is probably not the most standard/conservative interpretation of Islamic precepts.<sup>725</sup>

However, it is a simplification to simply place this notion within the standard Islamic against non-Islamic binary. It is not clear if in fact the Constitution of 1909/1327 was indeed an 'Islamicising' attempt from the Constitution of 1876/1293. In 1876/1293 an emphasis on a strong Sultan pointed towards a system that was justified from Islam as such. By 1909/1327 the ulema now positioned an emphasis on consultation. Both indeed have their merits from Islamic texts. The notion of Islam being a discursive tradition requires mentioning. When examining the constitution Elmalılı Hamdi Yazır himself stressed that there are two forms of laws, those that are unchangeable for all times, thus will be the same until the end of time, and those that are changeable based on space, time, people and conditions. He himself placed the constitutional amendment process within this paradigm.<sup>726</sup> This question requires further investigation and discussion on the merits and nature of the constitutional construction of the first constitution and a comparison to the second. Studies on this point are scarce and this thesis is not at the liberty to examine the two here. However, it is worth stressing that due to the ulema's involvement and central roll of the constitutional amendment process one shouldn't naturally make the assumption that

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Mebusu Mustafa Âsım, Kastamonu Mebusu Yusuf Kemâl. In the drafting committee of the *Mehâkim-i Şer' iyye ve Hükkâm-ı Şer' Kanunu ve Esbâb-ı Mûcibe Mazbatası* the names of the ulema are as follows İlmiye Encümeni Reisi Tokad Mebusu Mustafa Sabri, Mazbata Muharriri Antalya Mebusu Mehmed Hamdi Yazır, Zabit Kâtibi Saruhan Mebusu Said, Tokad Mebusu Mustafa Hâkî, Canik Mebusu Ahmed Hamdi, İzmir Mebusu Said, Ma'mûretü'l-Aziz Mebusu Mehmed Nuri, Bağdad Mebusu Ali, Hama Mebusu Abdülhamid Zehrâvî (Abdülhamid Zahrawi) Musl Mebusu Ali Fâzıl. This can be found in Yazır, *Osmanlı Anayasasına Dair - Kanun-I Esâsî "Nin 1909 Tadiline Dair Rapor ve Mehâkim-I Şer' iyye ve Hükkam-I Şer' Kanunu Esbâb-I Mûcibe Mazbatası*.

<sup>725</sup> Moroni, "Continuity and Change in the 1909 Constitutional Revision: An Ottoman Imperial Nation Claims Its Sovereignty."pp269-270

<sup>726</sup> Yazır, *Osmanlı Anayasasına Dair - Kanun-I Esâsî "Nin 1909 Tadiline Dair Rapor ve Mehâkim-I Şer' iyye ve Hükkam-I Şer' Kanunu Esbâb-I Mûcibe Mazbatası*.p51

the constitution of 1909/1327 was indeed becoming 'Islamicised' or that the ulema were pandering towards the 'liberal' as that simply feeds into the secularization linear narrative that lends to the assumption that the constitutional process of 1909/1327 was simply an anomaly to the narrative of secularization. Instead a broader discussion is required on the very nature of Islamic constitutionalism and the Ottoman effort requires greater attention in both Ottoman studies and Islamic studies academic circles. I would argue that the constitutional process was a formative one, in which to assume that the constitution of 1876/1293 was any less or more Islamic than the second are not helpful. Instead it would be better to view the constitution as a continual transitory process of transformation addressing the needs and conditions to a changing Ottoman polity and world. What it does point to however, is that the role of Islam and its actors was indeed an integral part of the process, and while some may argue that the ulema were becoming marginalized by the CUP, nonetheless this process points to otherwise. This is because maybe viewing the ulema within fixated paradigms of either with the central authority or against as a reflection of ulema authority is a rather simplistic deduction of ulema authority in Muslim societies. As both state actors and non-state actors, the ulema's role is a lot more fluid and nuanced when understanding their authority.

Notwithstanding this, the need to provide a clearer reflection of the constitution along Islamic lines was indeed a demand of the mutineers of the Counter-revolution. It was thus required that a greater synthesis be evidently displayed in the constitutional document that the constitution was evidently in line with Islamic precepts and that this meaning not be simply implied or left to ambiguity. It was probably the ambiguity of the first document that left many confused about the authority of the Sultan. Added to that, the slogan of the constitutional revolution of 1908/1326 was dressed in Islamic rhetoric and language. Many of the mutineers of 1909/1327 believed in the rhetoric of 1908/1326, especially from the ulema and Islamic thinkers. Their frustration that the constitutional government had simply replaced one arbitrary form of governance to another left many bewildered of how the new constitutional regime, that promised much, was in fact different from the regime before. As a result one of the last acts of the outgoing Grand Vizeir Hüseyin Hilmi was to stress on the demands of the mutineers that the constitution should be more reflective regarding the precepts of the Sharia.<sup>727</sup> Thus the spirit of the constitution

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<sup>727</sup> Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*.p240



needed to reflect the spirit of justice transpired by the Sharia.

Ulema ideas and works had already pointed to during the inception period of the revolution that the role of the Caliph was one that was executive. The ideological contestation had come to a political apex due of the Counter-revolution. While more conservative elements had not contested the ideal of constitutionalism, what was being contested what the prerogatives of the Caliph. However, among many of the ulema class it was clear that this culture of veneration stifled any possibility even within the ulema ranks to critique the Sultan let alone hold him to account. The ulema had already been laying the foundations in the minds of the general public that a shift from the Hamidian conception of the Caliphate was what was required. The point of pointing to the Caliph as simply an executive authority was not a new one in Islamic political thought, but for the Ottoman *devlet*, the implications of placing in documentation this idea was seminary. It would institutionalize the executive role of the Caliph and restrict his authority to the consensus of the General Assembly.

After the 1909/1327 Counter-revolution the political basis of conservatism was uprooted from the centre, with members of the ulema either executed or exiled as the ideological basis of conservatism was also weakened in the imperial capital. Conservatism in the various provinces also faced reprisals although not as harsh as Istanbul. Some conservatives simply consolidated what they had and waited to fight another day, others on the other hand lost out to the supporters of the new political order. Salafist thinkers however themselves were not to benefit from the change, as the ulema who exerted real authority were those in the parliamentary structure. It was clear that the ulema who aligned themselves within the state apparatus whether with the CUP or against had benefitted the most regarding the cultivation and implementation of the new constitutional regime. During this venture although ulema intellectual discourse is of importance, it is nonetheless important to stress how the ulema's role in the construction of a new political entity was not simply restricted to abstract intellectual ideas. Most of the ulema thinkers were also men of practice. Istanbul was no doubt the centre of the Muslim world as the members of the ulema in parliament would now make a significant contribution to the amendment process of the constitution and put into reality the new political order.

The vagueness of the document regarding the role of the Sharia in itself required better clarity. In many ways constitutional documents are designed with an element of vagueness in them. This is simply because the documents are generally

time and space specific and so require continual amendments as conditions change. However, this point also then leaves room for contestation as often different political actors contest over terms and their meanings. What was clear was that many conservatives who revolted against the CUP in 1909/1327 demanded the Sharia, the fact that this central ideal of the Ottoman state was left to ambiguity required immediate attention. A draft constitution was produced with immediate effect as the new era with a new Sultan had come into play. If July 1908/1326 was a period of euphoria, it was clear that April 1909 was a period of unrest, but with the era of the new Sultan, once again the Ottoman *devlet* with great optimism hoped for a turn for the better.

As mentioned earlier On January 11 1909/Dhul-Hijja 19 1326, proposals were put forward for amendments. While most amendments centred on parliament and the role of the minister, however articles 7 and 113 were directly related to the prerogatives of the Sultan. Article 113 was especially problematic as this gave the Sultan the right to exile whomsoever he wished. On February 4 1909/Muharram 14 1327, the thirty man committee from the parliament including six members of ulema were thus asked to examine the constitution and make it in line with the new conditions of the new Ottoman political order. The fact that there were no military personal in the committee is also a reflection of increased importance civil authority was being given over the military and that the ulema were also collaborators with the civilian political class. In many ways it was not a new concept to have the ulema in the drafting committee or the parliament, as that had been an established tradition in Ottoman politics.

Due to the events of the Counter-revolution, parliament was asked to speed up the process of making the amendments placing special attention to emphasizing the role of the Sharia. The members from the ulema on the commission were Fazil Arif Bey (Amasya), Hamdi Yazır Efendi (Antalya), Sheikh Mustafa Efendi (Aleppo), Mustafa Âsım Efendi (Istanbul), Tevfik Efendi Kengiri-Cankırı), and Mustafa Sabri Efendi (Tokat) Sheikh Mustafa Efendi was a member and writer for *El Islam*, an organization whose identity was closely linked to the rebels of the Counter-revolution.<sup>728</sup>

Although the ulema only made up six members of the drafting committee, what is worth of note is that since the increased role of the Sharia was demanded by

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<sup>728</sup> Gunasti, "The Late Ottoman Ulema's Constitutionalism.", p138

the mutineers and since the constitutional document was presented as a the fundamental law, the ulema's involvement was no doubt greater than what has been presented. Hamdi Yazır has been accredited as the main catalyst behind the nature and style of the draft amendment. This is because it was Hamdi Yazır who penned the new document.<sup>729</sup> But it is also evident that Mustafa Sabri and Mustafa Âsım were also part of the drafting committee, placing the *Cemiyet* at the centre of the constitutional process. It was also relevant that even a member from the conservative group was present at the drafting committee. This would suggest that although the conservative elements had been dispatched and weakened in Istanbul, nonetheless that the political establishment was aware of the need to listen to the multiple voices of the plural Ottoman *devlet*, and also that the drafting project was indeed an inclusive one, of both the various Islamic inclinations and elements of civil society.

The *Muaddal Kânûn-ı Esâsî* was split into two sections and presented to the parliament. The first section was a philosophical tract in line with the works of the ulema regarding the nature of constitutional governance explained in chapter three. It is clear that the ulema's leading role in constructing the ideology of synthesizing Islamic thought with the constitution was the main influence of the first section of the draft. The second section of the draft were the amendments of which an explanation was given of why the amendments were made. It was clear by examining the amendments that the instilling of the term Sharia, and fiqh not only addressed the demands of the mutineers but also a continuation of a culture established during the Gülhane edict. The document not only highlighted the increased role of the Sharia but by documenting and instilling the idea of the Caliph within the document it was institutionalizing the executive nature of the Caliphate for future generations. It was an indication of the consensus culture within the ulema and its tradition of adoption which was aligned political authority. There is no doubting that the consolidating of the ideal of the new Caliphate modal that differed from the Hamidain was based on the ulema in political authority. Susan Gunasti's thorough study is a worthy contribution of the details of the constitutional amendments that were made. As a result a detail analysis of each article shall not be made here, but simply I shall highlight a few articles that consolidate the point of how the terminology of the Sharia were emphasized and how the ulema's stamp in regards to their ideas and political role was conceived in the guise of the Ottoman constitution of 1909.

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<sup>729</sup> Ibid., p138

The first issue that was addressed was the Sultan/Caliph's authority in Article 3 in which it was stated that "**Sultan, "Supreme Caliph"** " The Ottoman sovereignty, which includes in the person of the Sovereign the Supreme Caliphate of Islam, belongs to the eldest Prince of the House of Osman, in accordance with the rules established *ab antiquo*." The proposed amendment read, "The Imperial Ottoman sovereignty, which carries with it the Supreme Caliphate of Islam, falls to the eldest Prince of the House of Osman, according to the rule established *ab antiquo*. On his accession the Sultan shall swear before Parliament, or if Parliament is not sitting, at its first meeting, to respect the visions of the Şeriat and the Constitution, and to be loyal to the country and the nation."<sup>730</sup> It is important to note on the emphasis on loyalty to the Sharia, Constitution, the Vatan and Millet.<sup>731</sup> In article 118 the modification stressed that when new legislation is prescribed that it has to take into consideration the position of religion (Islam). Thus, making clear and sure that the Caliph, state and legal system was under the remit of Islam

The amendment first stressed on the role of the chamber as being the authority that legitimised the Sultan. It further stressed that the oath would entail that the visions of the Sharia and the constitution were to be followed. This meant that the constitution and its vision in line with the Sharia came before the concept of the Caliph itself. The constitution was to determine in line with the Sharia what path the *devlet* would take, not the Caliph, in that sense the Caliph's authority as an individual was curtailed to the vision ordained not simply by the constitution, but the drafting constitutional committee which emanated from the parliament, this included the ulema. This meant that parliament had now instilled that an inclusive decision-making process had become institutionalized from this moment onwards as the new dawn of '*Meşrutiyet*' had begun.

But it is also worthy of note that the division of powers that were being transcribed in the constitution and in practice were not as sharp as many historians have pointed out. Instead the Ottoman elites were clear to stress at this point that rather than the division of power it was better to view the process as the balance of power of which the Caliph was the head. Thus a clear authority is required to regulate the needs of society. Elmalılı Hamdi Yazır explained that the Caliph is both the representative of the *ummet/ummah* and Allah. The job of the Caliph was to consult

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<sup>730</sup> Ottoman Constitution of 1909/1327 in <http://www.anayasa.gen.tr/1876constitution.htm>.

<sup>731</sup> Moroni, "Continuity and Change in the 1909 Constitutional Revision: An Ottoman Imperial Nation Claims Its Sovereignty." pp270-271

the jurist regarding the needing of laws that needed to change due to changing circumstances. For Hamdi Yazır, society consisted of the *ummet/ummah* and *hukemet/hukumah* (Muslim community and governance). It was the role of the Caliph to balance the two and it was the objective of those ‘who loosen and bind’ (parliament) to support the Caliph in doing this.<sup>732</sup>

Thus, the separation of powers was still quite ‘soft’ in this initial period. This could have been due to the fear of not wanting to antagonize the complex relationship between the legislature and executive powers. The parliamentary report stated that the three powers of the state ‘are not totally separated from one another’ and that talks of an ‘orderly unity’ among them, points to the ‘unity’ of the soul and concludes that the three powers are meet one another for the unity of the *devlet*.<sup>733</sup> At no point in this period is it stated that the new regime is a parliamentary one, rather still stressing on the centrality of the Sultan as Caliph.<sup>734</sup>

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<sup>732</sup> Yazır, *Osmanlı Anayasasına Dair - Kanun-I Esâî “Nin 1909 Tadiline Dair Rapor ve Mehâkim-I Şer”iyye ve Hükkam-I Şer’ Kanunu Esbâb-I Mûcibe Mazbatası*.pp51-52

<sup>733</sup> Moroni, “Continuity and Change in the 1909 Constitutional Revision: An Ottoman Imperial Nation Claims Its Sovereignty.” p273

<sup>734</sup> Ibid, p274

## Conclusion

Not until recently has scholarly attention in English started to reveal the importance of the ulema to the political transformation processes of the Ottoman *devlet* in the nineteenth and early twentieth centuries. Prior to that, studies continued to focus on the ‘secular’ inclination of state actors and consequently state policies, relegating the ulema as either simply reactionary or politically passive to the change process. Such was the binary in the earlier historiography of the ulema that very rarely, if ever, was the importance of the ulema’s contribution given proper recognition. In this thesis I have argued that in fact the ulema were neither reactionary nor passive but integral to the political transformation of the Ottoman *devlet* in the revolutionary period. As a result, this thesis has not only re-examined the role of the ulema in late Ottoman politics, but it has also challenged the meta-narrative of the secularisation of the Ottoman *devlet* during the transition from ‘Islamic’ Hamidian to ‘secular’ Second Constitutional Period.

While throughout Ottoman history the ulema along with the military were seen as two fundamental pillars of state authority, by the nineteenth century the ulema’s influence was unreasonably written out of Ottoman history by emphasising that the late Ottomans were uninterested in Islamic political thought. This had been the major discourse regarding both the ulema and Islam by Ottoman historians studying the nineteenth and early twentieth century Ottoman *devlet*. The ulema were often presented as the internal other where very few works presented state reformation from the ulema’s ideals and perspectives. This thesis however, has argued via the actions and thoughts of the ulema that both the ulema and Islamic political thought had vitality and mattered in politics up until the end of the Empire and more significantly that the ulema’s relevance was integral to Ottoman statecraft. In particular the re-instatement of the Ottoman Constitution of 1876/1293 via the Constitutional Revolution in 1908/1326 was a key milestone period in modern Islamic constitutional practice in which the ulema’s relevance as political actors and political theorists was central to the implementation of a modern Islamic constitutional caliphate system with a representative parliament.

When works on the ulema and Islamic reformation of the nineteenth and twentieth centuries were studied – mainly by Islamic studies or Middle Eastern studies scholars - they too often restricted the voices of the ulema and Islam to the

works of Salafist thinkers such as the Egyptian Mufti Muhammad Abduh, his disciple Sheikh Rashid Rida and those of a ‘Salafist’ inclination. While recent scholarship is also challenging these narratives, nonetheless the ulema as an intellectual transnational community has not been studied greatly, where the ulema of the Ottoman centre were the most integral to the global discourse of Islamic revivalism. While there is an acceptance by this author of the importance of the contribution of the Salafist thinkers in the Arab provinces of the Ottoman *devlet*, nonetheless what this study has attempted to present is although the likes of Sheikh Rashid Rida were indeed exceptional scholars, however, they were not exceptions. In fact ideas regarding state transformation was part of a larger Muslim discourse that transcended the boundaries of the Ottoman domains. What makes the Ottoman *devlet* important is that the Muslim world continued to perceive the *devlet* as the centre of the Islamic world in this period, and while many Muslim thinkers and ulema deliberated state transformation within abstract theorisations, the ulema that interacted with the Ottoman state structure had practiced the ideal as a reality from the *Gülhane* of 1839 up until the constitutional movements from 1876/1293 onwards. With the Ottoman *devlet* as the last caliphate, political transformation in the centre had political and intellectual implications around the Ottoman provinces as well as the Muslim world. Since the fall of the Ottoman Empire constructive deliberation within ulema scholarly discourse has seized to discuss modern formations of *Fiqh al-Siyasa*. The ulema of the Ottoman *devlet* were the last most noteworthy actors regarding state transformation and Islamic political thought, a point also accepted by Rashid Rida, as this thesis has not simply attempted to include the ulema but reasonably place them within the greater narrative of Islamic reform of the nineteenth and early twentieth centuries.

The view of the nineteenth and twentieth centuries has been built on the idea of a secularising world; religion being relegated aside as political rationality took precedence, as people and governments in the modern world started ‘living in the real world’. This view is indeed undergoing some revision but is still dominant from the works of Niyazi Berkes and Bernard Lewis, to Şükrü Hanioğlu. But since these works, revisions started by Butrus Abu-Mannah and recently Frederick Anscombe, stated that the key landmarks of the secularization of the Ottoman Empire such as the *Gülhane* Decree or the introduction of the Ottoman Constitution of 1876/1293 were in fact periods of vital ulema involvement and Islamic political thought that not only

resonated with the Islamic ideas of medieval ulema thought, but also Ottoman political traditions in conjunction with modern political formations. Just as this thesis began by questioning the linear depiction of the gradual secularisation of the Ottoman *devlet*, on the same token this thesis has not attempted to present the opposite either, where political transformation was a linear Islamic process. Instead this thesis has attempted to present the negotiations the Ottoman government undertook in attempting to balance complicated realities with Islamic ideals in an ever changing new world order.

It has been widely accepted that the Reform Decree of 1856/1273 was a digression from the centrality of Islamic thought and Muslim expectations as well as the neglect of the ulema who were central to the *Gülhane* Decree. By 1876/1293 however, prior to the initiation of Sultan Abdülhamid II, the *Mecelle* and Ottoman Constitution of 1876/1293 were a response to align Ottoman legal and political traditions back in line with Islamic precepts. It was during this period that Muslim intellectual thought was articulating an amalgamation of ‘modern’ political structures in line with traditional Islamic concepts to multifaceted Ottoman realities. While the Hamidian regime emphasised state policy on Islam and conservatism, at the same time, two years after the promulgation of the first Ottoman Constitution, the newly established Ottoman Parliament was closed and the Constitution suspended. Nonetheless, it is evident that constitutional debates continued during the Hamidian period within ulema and Muslim intellectual circles, as was seen during ulema activity in opposition to the Sultan and then during the Constitutional Revolution of 1908/1326.

By the end of the Hamidian reign there was an increase of ulema discontent towards the authoritarian nature of the Sultan Abdülhamid’s authority. This was not restricted to the Hamidian regime, as a global Muslim consciousness was starting to reflect an increasing support of consultative governance in many parts of the Muslim world – Iran is a noteworthy case. Although there was many ulema who supported the Sultan and his style of governance, but the last decade of the Hamidian reign presented a contestation of two political Islamic ideals which included the ulema who supported the regime and wanted to uphold the status quo against those who demanded a conditional, (*Meşrutiyet*) consultative (*Şura*) Caliphate system. The late Hamidian period presented inter-ulema contestations regarding the two Islamic positions of governance, where supporters of the Sultan - who enjoyed support from



state authority - were able to use the state apparatus to support their claims of political orthodoxy while the ulema in favour of constitutionalism remained in opposition and where restricted to protestations and propaganda campaigns to have their positions heard.

However, by 1908/1326 the call for constitutionalism had gathered much momentum, and the tide had turned in favour of those who supported constitutionalism when the Young Turk movement attained both military and Muslim support from the Balkan provinces. But military strength although important - contrary to the opinions of earlier historians- was ineffective without ulema assistance in both the Macedonian provinces and the imperial capital. What this also showed was that Turkish nationalism was not at the heart of Muslim involvement regarding revolutionary activity, neither in the Balkans nor later in the centre but rather it was the religious markers of state and society which were the main reasons for agitation. Furthermore, much of the historiography was centred on the military activities in the Macedonian provinces when the call for rebellion by Niyazi and Enver Bey was made. However, the turning point for the callers of constitutionalism was due to the large Muslim gathering in Firzovik, which was the element where civil society had enjoined in the revolution, added to that the loss of support from senior statesmen in Istanbul once the demand for constitutionalism was made on July 24<sup>th</sup> 1908 which turned the tide in favour of the Young Turks. The ulema became central agents in which much debate and discussion took place in the Balkans regarding the Islamic merits of the new constitutional order where the ulema arguments resonated with the opinions of the ulema in opposition to the Sultan in Cairo in 1895/1312 or even the Iranian Revolution of 1905/1323. This first indicated that Islam as the basis of political activity continued to remain central to the Muslim population and the ulema. It also indicates that the connectivity within the translocal ulema circles was evident during the Hamidian period as the debates supporting the merits of constitutionalism reflected the same arguments made by the ulema throughout the Hamidian period. While the Hamidian state may have restricted public discussions of constitutional governance, it is clear from the consistency of ideas and thoughts throughout the Ottoman domains that the ulema scholarly networks continued to interact with the debates surrounding modern Islamic constitutional theory.

While the ulema had managed to convince the Muslim masses in Firzovik that the call to constitutionalism was indeed within the precepts of Islam, in Istanbul, it

was the office of the *Meşihat* along with the pressure of the senior statesmen of the Sublime Porte that insisted to the Sultan that the re-instatement of the constitution was both the only pragmatic answer to the situation at hand and that it was in line with Islamic and Ottoman tradition. There is no doubting that the office of the *Meşihat* was significant in applying pressure on the Sultan to uphold the new constitutional order. When the famous telegram was sent from Firzovik to the capital, it was signed by the ulema of the Albanian provinces, sent to the Grand Vizier and the *Şeyhülislâm* Cemaleddin Efendi. Among the ulema circles it has been explained that Cemaleddin Efendi became a central figure in persuading the Sultan to re-instate the constitution of which the Sultan eventually obliged.

The Young Turks provided the muscle to re-instate the Constitution, but as they continued to operate as a clandestine organisation their standing within Muslim society was non-existent and their intellectual output was simply restricted to a few ideologues of a Westernist inclination. It is from these thinkers that much of narrative of the Young Turks has been written, yet once the Committee of Union and Progress had taken the reins of the Islamic *devlet*, they were quick to realise that the ulema as mediators between religion, state and society were an essential institution within Ottoman officialdom. The ulema used their traditional spaces such as the pulpit of the mosque and medressa to support the new constitutional regime. But it wasn't simply the spaces of the old that the ulema were using, they had also become exposed to the new mediums the constitutional government brought with it such as the parliament and the printed press. It was also via this medium that the ulema helped to consolidate constitutional governance, as the ideal Caliphate structure. The *Şeyhülislâm* encouraged the ulema to increase their visibility to propagate the merits of Islamic constitutionalism. The ulema duly obliged as in the mosques, sermons were given, in the public squares the ulema openly rejoiced with non-Muslims as they also now openly debated in the public spaces and the printing press regarding the merits of the constitution and its permissibility along the lines of Islam.

The arguments and testing of ideas regarding constitutionalism was left to the ulema in the public domain, thus highlighting the moral standing the ulema continued to uphold within mainstream Muslim society. On the same token it also somewhat exposed the Young Turks' intellectual weakness in not being able to translate their ideas to the mass Muslim population. This in particular was an important point as the revolution of 1908/1326 presented the activities as a renewal of an ideal political

system, of which the 'national will' was a fundamental component. The ulema's use of Islamic terminology and their attempts of edification of state and society, meant that not only were they as integral as the CUP (Committee of Union and Progress) for the new state transformation project to succeed, but in fact their contestations with the CUP would also further complicate the situation. The notion that contestation was over the 'progressive pro-CUP ulema against the reactionary anti-CUP was also a simplification of the web of factions and interests of the ulema at the time. The plethora of pamphlets and newspaper articles firmly placed these discussions in the public domain. But while during the early Hamidian period there was a contestation between ulema that supported the authoritarian sultanate system against the conditional consultative one. After the success of the Revolution, such was the consensus in ulema circles regarding the merits of constitutionalism that the contestation between the ulema was rather on the style of the constitutional order as those who had earlier supported the authoritarian system expressed for the Sultan to maintain his unlimited prerogatives against those who wanted to place conditions on them.

While the CUP failed to make much inroads in mainstream Muslim society, it was during this period that the ulema's visibility increased. Their popularity in the mainstream Ottoman press had created a greater connectivity around the Muslim world as their ideas on the new constitutional order was presented as a universal ideal for all Muslims around the world. There is no doubting that the printing press made the Muslim world smaller, in which the so-called 'imagined *ummah*' could now learn of each others plight around the world. But more importantly the printing press served to consolidate ulema authority within the intellectual realm. While many had argued that this was a period of contestation between a rising Muslim intellectual class and the ulema, in fact the reality suggested that although there was indeed a new educated group that could challenge the ulema's authority in the religious sphere, however these two groups more often collaborated more than competed. It was presented in earlier literature that there was a contestation between 'reformist' ulema against 'traditionalist' ulema, but in fact what was evident is that many ulema from a host of factions were collaborating together to uphold the constitutional order.

It was during this period the ulema started to organise themselves into organisations. An example of this was the ulema organisation the *Cemiyet-i ittihadîye-i ilmiye* (The Unionist Association of the Ulema) which had taken it upon

itself to support the CUP and safeguard the interests of religion, state, the religious institutions and Muslim society. The *Cemiyet* formed a powerful organisation and the triumvirate members of Mustafa Sabri Efendi, Hamdi Yazır Efendi and Mustafa Âsım Efendi were much influential in applying pressure on the *Meşihat*, other ulema and especially the CUP. The relationship with the CUP was a sensible one in which the ulema of the *Cemiyet* enjoyed the use of the state apparatus. As many members of the ulema were also elected parliamentarians, that influence was also to be transpired within the new parliamentary order. With the *Beyan'ül-Hak* as its journalistic mouthpiece, the *Cemiyet* managed to use the new tools of the print press, its standing in parliament and their ulema networks to form a significant voice within the Ottoman political scene. Although they had mentioned that they were to support the CUP, in fact the ulema of the state apparatus in Istanbul would balance their relationship with the CUP as one of tolerance and coexistence just as they had previously before with Sultan Abdülhamid II.

But the *Cemiyet* was not the only religiously motivated group that came into existence. By February 1909/Muhrram 1327 a religiously conservative populist movement was to also establish an organization called the *İttihad-ı Muhammedi* (Muhammadan Union). Its membership was not restricted to the ulema, as it also saw itself as a 'guardian of the faith'. While debates about *Meşveret*, *Şura* and accountability of the rulers were on-going, as indications appeared of an erosion of Hamidian authoritarianism, the agitation among some circles was now the CUP were becoming unanswerable to anyone. Haphazard CUP policies and a toxic press environment between the CUP and their opponents facilitated a reaction to their policies in April 1909 known as the Counter-revolution in English and the 31<sup>st</sup> March Incident in Turkish. The Counter-revolution, which spoke in the name of religion, had left government powerless and placed the new constitutional order under much threat. The Muhammadan Union had used much religious rhetoric in its media organ the *Volkan* and as a populist force came to be presented as a 'reactionary' movement. Although much evidence suggests that the Muhammadan Union was not anti-constitutional nor was it interested in a Counter-revolution, nonetheless its populist religious rhetoric resonated with the disenfranchised soldiers and *softias* on the street as the chants for '*Seriat isteriz!*' (We want the Sharia!) became the main slogan of discontent aimed at the government and the state ulema.

So delicate had the situation become that outbreaks of discontent emerged in Adana, Diyarbakir and Damascus as actors who had either lost or whose authority was weakened since the emergence of the CUP and new constitutional order, responded in reasserting their influence in some of the provinces. It indicated the precarious position the CUP were in as their dependency returned back to the two important pillars of the state – the ulema and military.

The office of the *Meşihat* along with the *Cemiyet* had encouraged the ulema to go to the streets of Istanbul to mediate between the masses and government. The *Şeyhülislâm* had even sent telegrams in the troubled areas demanding ulema call for restraint and mediation. When the mutineers presented their demands in Istanbul it was the ulema who they turned to, and while the mutineers were severely punished by the state once the Counter-revolution was swiftly controlled with the introduction of the All Action Army, nonetheless, the ulema and government took into account of making the new constitution visibly more Sharia compliant. The *Meşihat* and *Cemiyet* had also openly denounced the Muhammadan Union thus providing the CUP the legitimacy to disband the Union and close its mouthpiece the *Volkan*. But while it was presented that the ulema were simply subservient to the demands of the CUP, this was not the case. The ulema of the state structure were just as agitated by the Union as it compromised their own intentions of state transformation along their traditionalism as mass populist activity had created an environment of chaos.

In May 1909/Rabi al-Thani 1327 the ulema led by delegation of the *Cemiyet* which included Mustafa Sabri, Hamid Yazır and Mustafa Âsım, as well as the conservative Sheikh from Aleppo Mustafa Efendi who was a member and writer for *El Islam*, an organization whose identity was closely linked to the rebels of the Counter-revolution, convened to amend the constitution of 1876/1293 to the new conditions of 1909/1327. It indicated that after crushing the doubters quite ruthlessly in an attempt to set a tone of challenging CUP authority that the CUP then took notice to put faith in the parliamentary/legal reform of the constitution in the hands of the ulema. When the constitutional amendments were made the text presented resonated both in philosophy and language of ulema legal discourse. It was evident that the ulema were central to the amending process, as it was known that Hamdi Yazır was the designated writer of the constitution. When the draft was presented to parliament, the parliament without hesitation accepted the ulema's proposal of the new conditions of the new Ottoman Constitution.

Throughout all the major milestone moments during the Revolution of 1908/1326 to the Counter-revolution of 1909/1327, the ulema maintained their status as the mediatory group between state and society. It also consolidated its authority as the intellectual agents of political change of the Ottoman state structure. When examining the constitution of 1909, one sees the ulema's influence within it. But not only that, the ideas within the constitution reflected a greater discourse of discursive activity that resonated with ulema idealism towards constitutional governance. There is no doubting the internal contestations that took place between the uelma factions, and what it indicated is how much of political transformation was based on the support of authority. The ulema in favour of constitutionalism were only able to achieve their objective once that authority of the state was willing to do so. However, in order to attain the support of the state, the ulema recognized that they would have to be part of the state structure not outside of it. It was within the state apparatus that the ulema were able to execute political change. It was also within the state apparatus that the ulema were able to coerce and account central authority. In that sense being part of the new state structures was imperative for the ulema to maintain their title as 'guardians of the faith'. One final point worth mentioning is that while there were indeed intellectual and political contestations among ulema regarding the execution of the executive order, what was evident is that by 1908/1326 the ideal of constitutionalism was accepted by way of consensus both among the ulema and by parliament. The rhetoric of *Meşveret* and *Şura* had become synonymous by 1909/1327 that it was clear that neither the Sultan nor the CUP were the real adherents to constitutionalism, but in fact it was the ulema, from their own projected idealism. In that sense the experimentation of Ottoman Constitutionalism, even after 1909/1327, could be argued to being a central experiment to the ulema rather than the CUP whose main objective was the attainment of power by any means necessary.

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